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WHOLE No. 2553

THE IMMIGRANT STATION WILL SOON BE BUILT

The Government Accepts the Traphagen Plans and Will Push Things.

Mr. Traphagen Chosen to Supervise the Work. An Appropriation of \$30,000 is Now Available and Perhaps More.

(SPECIAL CABLE TO THE ADVERTISER.)

WASHINGTON, Jan. 25.—Architect Traphagen's plans for the U. S. Immigrant Station at Honolulu have been accepted here and he has been chosen to supervise the work. No time will be lost in beginning construction.

ERNEST G. WALKER.

The above dispatch from the Advertiser's Washington correspondent was received yesterday forenoon. Architect Traphagen first heard the news from the Advertiser and Collector of Customs Stackable, who is the custodian of all Federal buildings here, was apprised of the fact in the same manner.

There is an appropriation of \$30,000 ready for the erection of a building, filling in the site and for all other work in connection with the structure. When Commissioner of Immigration Sargent was in Honolulu last year, he was in hopes that he would be able to start the building before the year was out. He was then heartily in favor of an immigrant station being given to Honolulu, as he deemed this one of the important ports of the government. Those who have been in Washington since Mr. Sargent's visit, say that he was always enthusiastic over the matter.

That Architect C. G. Traphagen was selected to supervise construction is no surprise, for the Supervising Architect of the Government at Washington, Mr. J. Knox Taylor, knows Mr. Tra-

phagen personally, and it was known that he would favor his appointment.

The site as definitely chosen, is on the filled-in section Waikiki of the Bishop wharves, and adjoining a strip of land belonging to the Bishop Estate which borders on the street running past the Honolulu Iron Works. There is need for a large amount of filling in to be done before any construction work can be started. Some time ago it was proposed to fill the site with dredgings from the harbor, pumping it across the intervening space, as was done in the greater portion of the adjacent grounds. If the filling-in process is to be paid for out of the \$30,000 this sum will dwindle away very fast. If Commissioner Sargent has been able to secure other funds for this purpose so that the original appropriation can be devoted entirely to the erection of the building, Honolulu will have a model station.

It is to be of frame, two stories in height, with quarters for aliens who may be detained for either a short or long period, for those who have been ordered deported, for stowaways, etc. It will naturally be in charge of the Immigration officials here, its custody to rest in Collector Stackable, as the representative of the Treasury Department.

Only citizen labor will be employed on the structure.

OLD CHINAMAN HANGS HIMSELF ON ALGAROBIA TREE

An old Chinaman made a sensational attempt to commit suicide at an early hour this morning. Another Chinaman happened along just in the nick of time, otherwise a dead body would have hung from an algaroba tree at the corner of Beretania and Nuuanu streets.

Last evening the old man said to a number of Chinese that he was aged, poor and hungry and that he would buy twenty-five cents' worth of rope and hang himself. The other Chinese then locked him in a room. He broke away and got the rope. Then he wandered for a couple of hours about the streets. Another Chinese spied him carrying the rope and thinking that there would be trouble followed him. On Nuuanu street, just above Beretania, the old fellow fell into a ditch. He picked himself up and crossing the street went in among the algaroba trees and climbed one. Soon his body was hanging from a limb.

Then the man who had been shadowing him gave the alarm. He shouted to a policeman what had happened. The policeman, with vast astuteness, ran to a telephone to call up the sta-

tion. In the meantime the Chinese hustled to the tree and lifted the body of the old man up just enough so that the noose, which held him slipped and allowed the would-be life-wrecker to drop to the ground. He was on his feet in a minute and stoutly resisted the efforts of the other Chinese to hold him. Finally he was held on the ground in the mud until the patrol wagon arrived. The old fellow begged the officers to permit him to have the rope and complete the job. Partly in Hawaiian and partly in Chinese he moaned: "I die. Let me die. No money, no work, and no grub. Let me die." The police did not see matters in the same light and hustled him off to the station where the jailer declared he would keep such a good watch over the prisoner that there would be no further chance for suicide before morning.

Judge S. B. Dole goes to Hilo in the Kilauea to hold a term of the Federal Court. He will be accompanied by J. J. Dunne, Assistant District Attorney; Deputy Marshal F. L. Winter, Frank Hatch, deputy clerk, and Miss Gurney, the Judge's clerk.

The Republicans of Kauai held a luncheon on Saturday at Nawiliwili.

QUEEN'S HOSPITAL TO BUILD \$45,000 WING

May Stop Free Treatment Under Loss of Subsidy—More Free Than Pay Patients Were Treated Last Year.

The Trustees of the Queen's Hospital held their annual meeting on Saturday. Out of the twenty members of the board there were fifteen present, including Vice President F. A. Schaefer, presiding, and Secretary Geo. W. Smith.

E. Faxon Bishop was elected to the board in place of Henry Waterhouse, resigned.

NEW BUILDING ORDERED.

The Trustees decided to proceed with the erection of a new wing on the Ewa side of the main building. It will be a brick structure to cost \$45,000. The money is to come from a special fund, which cannot be used for any other purpose.

THE YEAR'S WORK.

The report of the Superintendent for the past year was read. Its most significant showing was the fact that more patients had been treated free than had paid hospital charges. With the withdrawal of the Government subsidy for legal reasons, as lately announced, the Trustees may refuse to afford any more free privileges, either to Hawaiians or foreigners. Such a decision would shut out indigent sufferers altogether, excepting those who might be accommodated in endowed beds or admitted on the order of charitable societies.

Following is the report of Superintendent Eckardt. Besides what has been mentioned, it shows that the institution received from pay patients \$28,000 and odd less than the amount of its current expenses.

REPORT OF SUPERINTENDENT.

To the Trustees of the Queen's Hospital:

Gentlemen: I herewith beg leave to submit my report for the year ending December 31st, 1903.

Number of patients in the hospital on January 1st, 1903, was 70; number admitted, 713; total number treated, 783, as against 752 in 1902, 817 in 1901 and 865 in 1900.

The number of deaths, 44 in a total of 783 patients, gives a percentage of about 5.6 per cent, as against 6.12 per cent in 1902, 8.44 per cent in 1901 and 9.94 per cent in 1900.

The diseases treated were as follows: Fevers, 76; rheumatism, 27; debility, 7; syphilis, 22; ulcers, cysts and tumors, 68; disease of the eye, ear and nose, 26; diseases of the nervous system, 42; diseases of the circulatory system, 15; diseases of the absorbent system, 32; diseases of the respiratory system, 59; diseases of the digestive system, 82; diseases of the cutaneous system, 23; diseases of the urinary and generative system, 90; diseases of the organs of locomotion, 25; diseases of the cellular tissues, 19; injuries and accidents, 158; poisonings, 14.

Nationalities represented were: Hawaiian, 206 males, 12 females; U. S. A., 137 males, 26 females; Porto Rico, 55 males, 31 females; Portugal, 44 males, 6 females; Germany, 26 males, 7 females; Japan, 19 males, 2 females; England, 19 males, 1 female; Sweden, 19 males, 1 female; Norway, 15 males, 1 female; Ireland, 8 males, 3 females; Denmark, 7 males, 2 females; Scotland, 5 males, 1 female; Poland, 2 males, 1 female; Mexico, 3 males, 1 female; West Indies, 2 males, 1 female; China, 15 males; Finland, 8 males; France, 5 males; Austria, 4 males; Belgium, 3 males; Canada, 3 males; Russia, 2 males; Manila, 2 males; Greece, 2 males; Nova Scotia, 2 males; Spain, 2 males; Roumania and Samoa, each 1 female; Australia, Cuba, Gibraltar, Guam, Holland, New Zealand, New South Wales, New Zealand and Rothum, each 1 male.

The number of admissions has been 713, viz: 248 Hawaiian (133 males, 65 females), 18 Chinese, 22 Japanese and 427 other nationalities.

Discharged, 673, viz: 194 Hawaiians (163 males, 61 females), 15 Chinese, 20 Japanese and 414 of other nationalities. Died, 44, viz: 22 Hawaiians (15 males, 7 females), 2 Chinese, 2 Japanese and 18 of other nationalities.

The causes of death have been as follows: Dysentery, 4; dislocation of spine, 1; chronic nephritis, 2; cirrhosis of liver, 1; cerebral hemorrhage, 1; dislocation of fourth vertebra, 1; endocarditis, 2; enteritis, 1; empyema of chest, 1; fracture of base of skull, 1; gunshot wounds, 2; hemorrhage after coeliotomy, 1; meningitis, 2; mitral incompetence, 1; general debility, 1; general peritonitis, 2; gangrene, 2; membranous croup, 1; operation for stone in bladder and prostatic urethra, 1; obstruction of gall bladder, 1; paralysis, 1; post-partum hemorrhage, 1; pneumonia, 1; pulmonary tuberculosis, 1; rupture of urethra, 1; shock result of railroad injury, 1; shock from fracture

of spinal column and ribs, 1; strangulated hernia, 1; syncope during chloroform anesthesia, 1; typhemia, 3; valvular heart disease, 2.

Two patients died within 12 hours, 5 within 24 hours and 7 within 48 hours of admission.

The number of patients treated during the month was: January, 115; February, 133; March, 138; April, 128; May, 146; June, 148; July, 131; August, 119; September, 115; October, 110; November, 112; December, 120.

Daily average during the year, 65. Amount received from pay patients, \$14,541.80; amount of current expenses, \$42,831.78.

There have been 53 major and 128 minor operations and 10 post-mortem examinations. The major operations comprised the following:

Amputation of both legs, 1; of leg at knee joint, 1; through thigh for traumatic gangrene, 1; Alexander's operation, 1; appendectomy, 18; cervical laminectomy for compression of cord, 1; double salpingo-oophorectomy for bilateral ovarian cyst, 1; for tubal pregnancy, 2; exploratory laparotomy, 2; exploratory laparotomy for gunshot wounds of abdomen, 1; excision of fecal fistula, 1; of old calcified hydatid cyst of liver, 1; enucleation of left eye ball, 1; gastrotomy, 1; herniotomy for strangulated hernia, 2; inguinal herniotomy, 6; nephrectomy, 1; perineal prostatectomy, 1; radical operation for hydrocele, 1; salpingo-oophorectomy and ventrofixation, 2; salpingo-oophorectomy, 2; suprapubic cystostomy for vesical calculus, 1; trephining and removal of fragments in depressed fracture of skull, 1; vaginal hysterectomy, 1; ventro fixation, 1; wiring spinous processes of vertebra for dislocation of vertebra, 1.

Of the 783 patients treated during the year, there were 335 pay patients, who were charged as follows:

50 patients at \$5 per day, 250 days	\$1,250.00
206 patients at \$1.50 per day, 494 days	7,261.50
30 patients at \$1 per day, 541 days	541.00
for 53 operations	615.00

335 patients, 7509 days, \$14,738.50

40 patients occupied Endowed Beds, 2308 days.

244 Hawaiians were treated free, 9907 days.

164 foreigners were treated free, 4271 days.

Total number patients, 783; total number hospital days, 23,955.

The endowed beds have been occupied as follows:

Bishop Bed No. 1 by 3 patients, 331 days.

Bishop Bed No. 2 by 7 patients, 258 days.

Bishop Bed No. 3 by 8 patients, 202 days.

Bishop Bed No. 4 by 5 patients, 254 days.

Corniot-Bed by 6 patients, 302 days.

Irwin Bed by 5 patients, 231 days.

Hackfeld Bed by 5 patients, 365 days.

Foster Bed by 1 patient, 365 days.

A total of 40 patients, 2308 days.

The number of patients in the hospital on December 31st, 1903, was 67, viz: 30 Hawaiians (27 males, 3 females), 1 Chinese and 36 of other nationalities.

20 paying. Of the pay-patients, 11 were U. S. Marine Hospital, 6 private and 3 ward patients. Of the 8 endowed beds 7 are occupied and of the 40 free patients, 27 were Hawaiians, 10 Porto Ricans, 2 Americans and 1 Spanish.

Respectfully submitted,

JOHANNES F. ECKARDT,

Superintendent.

PRESENTED WITH STOLEN GOODS

Otto Gertz, who recently returned to Honolulu from the coast, at the police station yesterday afternoon swore out a warrant for a man named Stanton on a charge of larceny.

Gertz says that shortly after he left for the coast this man went to see his mother and told her that he was working for the Oahu Railway. He wished to rent Otto Gertz's cottage. Terms were agreed upon and the man occupied the cottage for about a month and a half. Then he disappeared. He paid no rent. Mrs. Gertz made inquiries and learned that the man told her an untruth concerning his work. She examined the cottage and found that rugs had been taken from the floor and that knives and forks and dishes were also missing. Otto made an investigation also and learned that a neighbor, Mrs. Kidder, had some of the lost articles. She is said to have told Gertz that Stanton gave her the goods as a Christmas present.

JAPAN MAY GET A REPLY TO HER NOTE THIS WEEK

Russia Orders Out Reserves and Japan Takes Military Control of Railroads.

Lansdowne, Londonderry and Balfour of Burleigh May Resign—Action in Iroquois Fire Case—Bills of Local Interest.

(ASSOCIATED PRESS CABLEGRAMS.)

ST. PETERSBURG, Jan. 26.—A reply to the Japanese note will possibly be delivered this week. The reserves have been ordered to be held in readiness for Far Eastern service.

TOKYO, Jan. 26.—An imperial edict has been issued assuming control of the railways of the empire for military purposes.

PEKING, Jan. 26.—China urges the foreign ministers to propose mediation as she is anxious to avoid war.

SEOUL, Jan. 26.—The reported landing of Japanese at Masampho is untrue.

BERLIN, Germany, Jan. 25.—The prevailing sentiment in the diplomatic circles of Germany is that the crisis has passed in the Orient. It is believed that Japan and Russia will be able to reach an amicable understanding. War is not expected.

DYNAMITE EXPLOSION AT WAIALUA CAUSES DAMAGE

The accidental explosion of a quantity of dynamite near Waialua plantation at 9 o'clock yesterday morning blew up a portion of a stable, wrecking it to the extent of about \$500.

The explosion of which only meager details could be obtained by telephone, was purely accidental. The dynamite was stored in the stable and in some manner was touched off. The explosion was felt at some distance from the stable.

At the time of the explosion it is believed that no one was near, and no one was hurt.

DELEGATE KUHIO THREATENS TO RESIGN HIS POSITION

In a letter to his brother, Delegate Kuhio tells of the incident which led to his arrest and brings up, once more, the idea of resigning his post. As to the affair of the saloon, the Delegate says:

"On the way down from the billiard parlor, I stopped at the Stand to purchase cigarettes (this is on the ground floor and the entrance to the building), when I heard cursing coming from the rear of the building, where there is a bar, and then an order by the proprietor to his bartenders to put a man out. In the rush-out the crowd did not seem to know who was being put out, and I suppose I got a bit curious, too, to see the row. The first I knew some one brushed against me and another ran into me from the rear and then was rushed out by the mob. Staggering forward through the entrance I felt somebody hit me from the back and a second blow knocked me down to the sidewalk. It all happened so quickly I had not the opportunity to strike back and, upon rising, I asked for an explanation. Two fellows—one turned out to be an officer in citizen's clothes, said something to this effect, 'You shut up, you drunken nigger!' and then made a lunge at me. Three or four others, who undoubtedly knew the officer and, probably thinking they were assisting him, all jumped on me and I resisted—with but little effect, however. I was protesting against this outrage perpetrated on me when the patrol wagon arrived and two policemen roughly took hold of me, when I again protested to the arrest being unjustified, and asked who had placed me under arrest. The officer in citizen's clothes replied, he did, and showed his authority, the badge, upon my demand. I requested of the uniformed officers that the fellow who struck me and also the officer that placed me under arrest be taken along too; but the latter

told them, 'Never mind him; take the damned drunken nigger!' On arrival at the station with the two 'cops' I was charged with disorderly conduct, when I then again protested and demanded the arrest of the other two without avail. Then I told the clerk that I am a Congressman, and that I thought a Congressman had some privileges exempting him from arrest while he is in attendance at the Capitol. He replied he thought there was no help unless I put up \$5 collateral, which I refused to do unless it be upon my own recognizance. The clerk again replied that I had one of two things to choose, either put up the collateral or be locked up. I had become enraged at the perpetrated outrage and I chose the latter."

On the subject of resigning the Delegate says: "If I cannot get any justice I will resign rather than have the stigma while in my official capacity. The 'justice' which Kuhio seeks is an apology from the police and a reprimand to the officer who put a Delegate in Congress under arrest. As no such concession is likely to be made, the desire of Kuhio to resign, which has been frequently expressed of late, has been realized."

The Claudine's Mishap.

A diver was at work all of yesterday morning removing the tangled chain from the propeller of the steamer Claudine. The vessel was not seriously injured in her mishap on Sunday. It was necessary to saw the chain from the hub of the steamer's propeller but the blades of the propeller were uninjured.

S. S. America Here on the Way.

A cablegram was received here yesterday stating that the Jap liner America Maru had sailed from San Francisco. Her trip to the Orient this time will only extend to Yokohama and Kobe, and

PROBABLE AMENDMENTS TO THE COUNTY ACT

Extracts From the Report of Former Governor Dole Which the Committee in Charge of County Law is Considering.

The recommendations of Gov. Dole, a reading of which led the House Committee on Territories to hold up the County Act for further amendment, are as follows:

On the 22d of April, 1903, "An Act providing for the organization and government of counties and districts and the management and control of public works and public institutions therein" was approved. On the same day I sent a message to the legislature, of which the following is a copy, recommending certain amendments to the said act:

"I have approved the county bill providing for the organization and government of counties and districts and the management and control of public works and public institutions therein."

There are, however, some features of the law which are, in my opinion, objectionable, and which should, for the sake of the clear understanding of such law by the public and its successful application to the objects intended, and for removing as far as possible all legal complications from the administration of public affairs under its provisions, be removed by amendment.

These objections are as follows:

Section 476 provides that "all property in the hands of any road authorities within the Territory on the 4th day of January, A. D. 1904, shall become the property of the county in which the same is located."

Section 477 provides, referring to the transfer of jail property to counties, that "all property so transferred shall be the property of the county."

Section 468, division 13, provides that "all fees or costs arising from the sale or lease of property by this or any law of the Territory placed under the control of such county" shall be payable into the treasury of the county and used for paying county expenses."

As the greater part of the property which will be turned over by the Territorial government to the counties upon their organization will be public property which was transferred by the Republic of Hawaii to the United States under the joint resolution of annexation, and by the United States placed in charge of the government of the Territory, to be cared for and maintained by it for its own use "until otherwise provided by Congress or taken for the uses and purposes of the United States" (section 97, organic act), the above provisions making such property the property of the counties, to be sold or leased by them, is an attempt to amend section 97 of the organic act, and also section 73, neither of which can be amended except by Congress.

The provisions referred to are unnecessary for the due administration of county government, as section 482 provides that it is "the intention of this act that in all cases where by this act any county officer or board is charged with the performance of any duties heretofore performed by Territorial officials the use of all property heretofore used by such Territorial officials, for the discharge of such duties shall be transferred to such county officer or board."

Chapter 69, relating to the transfer of Territorial waterworks to the counties where such waterworks are situated, is of doubtful legality as being inconsistent with section 97 of the organic act above referred to, for the following reason: Although under the provision of the organic act (section 56) authorizing the legislature to create counties and town and city municipalities * * * and provide for the government thereof, such public property belonging to the United States but held by the Territorial government which is obviously necessary for the internal administration of such subordinate governments, may be turned over to such governments for such purpose, the legislature has no power to go further, and the Territorial government may not, under the responsibility imposed upon it by section 97 and section 73, surrender such property as is not necessary for the internal administration of such subordinate governments.

It can not be reasonably argued that the conduct of waterworks is essential to the administration of county or municipal governments. It is a common status in many cities on the mainland that the water used by the inhabitants for domestic purposes is furnished by private companies.

The same reasoning applies to the proposed transfer of the apparatus and equipment used by the Territorial government in lighting streets and public buildings, as provided in chapter 70.

Section 171 provides that "the duties required by the provisions of chapter 19 of the civil laws of 1897, to be performed by the commissioner of boundaries, shall be performed by the county surveyor of the county in which the lands in question are situated."

Section 172 provides that the fees to be paid such commissioner of boundaries shall be paid into the county treasury.

These sections attempt to amend section 73 of the organic act, which provides that the laws of Hawaii relating to the settlement of boundaries, except as changed by such act, "shall continue in force until Congress shall otherwise provide."

Section 384 provides that the Territorial board of public institutions shall provide for the care, maintenance, and employment of all inmates confined in any penal "institutions in the Territory."

This provision conflicts with the twenty-second division of section 22, which gives county boards of supervisors jurisdiction and power to provide for the working of prisoners confined in county jails under conviction of misdemeanors; and also with division 6 of

section 99, which provides that the county sheriff shall "take charge of and keep the county jail and prisoners therein."

Section 483 provides that "immediately after the passage of this act it shall be the duty of the Territorial board of public institutions by this act provided for to organize in the manner required herein."

As other provisions of the act refer to the 4th of January, 1904, as the time when such board shall begin to exercise its powers, the provision of section 483 must contain a mistake as to the time for its organization, which should be January 4, 1904.

There is some vagueness in the act as to the status of the superintendent of public works after the installation of county governments. I would recommend definite legislation making him the executive officer of the Territorial board of public institutions.

In view of the foregoing suggestions, I recommend immediate legislation amending the county act in accordance therewith.

A bill carrying out a portion of these recommendations was passed by the senate but failed in the house.

A more careful reading of the act discovers other defective provisions. A Territorial board of public institutions is created in chapter 64, to be composed of the governor, secretary, treasurer, auditor, superintendent of public instruction, and attorney-general of the Territory. This chapter departs from county matters and provides for the management of certain Territorial institutions, naming the capitol and judiciary buildings, charitable, reformatory, and penal institutions established and supported by the Territory, harbors, wharves, matters of pilotage and towing, with the sweeping clause that "the board shall have power to direct the general management of all Territorial institutions." These provisions would, if carried out, withdraw the management of the two reform schools from the commissioners of public instruction, of the insane asylum, and the leper settlement at Kalawao from the board of health, of the penitentiary from the attorney-general, of the harbors from the United States, and of the wharves from the superintendent of public works.

Section 483 of the county act required that immediately after the passage of the act, the Territorial board of public institutions should organize, and sections 484 and 485 required the board as soon as organized, to take control of all matters relating to harbors, wharves, pilots, and towing, and of all property used in connection therewith, and to assume the control, management, and maintenance of the insane asylum and the executive and judiciary buildings.

The board organized on the 1st of May, and on the 4th of May notified the superintendent of public works that the board had assumed the control, management, and maintenance of the harbors, wharves, pilots and towing, and requested him to deliver up the control and to furnish the board with an inventory of all the property thereof, and a list of all the employees connected therewith. On the next day, May 5, the secretary of the board received a letter from the superintendent of public works declining to accede to this request on the grounds that by virtue of his office he was charged with the control and management of the property and the work in question, and had no power to surrender such control and management; that the board had no legal existence and therefore no right to assume such control and management as claimed, that that part of the county act purporting to establish a board of Territorial institutions was illegal in that it was in contravention of section 45 of the organic act, which requires that each law shall embrace but one subject which shall be expressed in its title; that the whole act was illegal for the same reason, in that it contains more than one subject of legislation, to wit, section 267 providing for Territorial revenues, section 269 providing for Territorial charges, sections 381 to 391 creating a board of public institutions, section 407 appropriating all existing waterworks and systems, sections 415 and 416 appropriating all property used by the Territory in lighting streets and public buildings, section 417 appropriating all public markets, sections 476 to 482 appropriating and transferring property belonging to the Territorial government to the counties, sections 483 to 487 providing for the organization of the board of public institutions, and chapter 19 making appropriations of Territorial funds for the support of counties; that the legislature is without authority to modify or change the form of the Territorial government as established by the organic act, and that the board sought to be created by the county act, is illegal in that the power of appointment of members of boards of a public character is vested in the governor by section 80 of the organic act.

The board then instructed the attorney-general to bring legal proceedings against the superintendent of public works to compel him to conform to the provisions of the county act bearing on the question, and to the demand of the board. Such proceedings were begun in the circuit court in the form of an application for a writ of mandamus to the superintendent of public works. The case was heard and judgment given for defendant on the ground that "all the sections of the county act which relate to the board of public institutions are

THE COURT HAS DECIDED

Supreme Court Long Ago Defined "Officer" and "Employee."

Recent doings in the official appointing line appear to have produced a question upon the difference between an officer and an employee of the Government. Could a Representative take the office of road supervisor of Honolulu within the term for which he was elected to the Legislature? This is the question in a concrete form.

The Supreme Court gave a lucid definition of the difference mentioned when deciding the matter of pay of election inspectors on Hawaii in 1902. The question arose then under the provision of law that no officer of the Government could draw two salaries where the sum of both was more than \$1200 a year. In the syllabus of opinion the court said:

"Within the meaning of this provision deputy sheriffs, public land agents and inspectors of election are officers, but public school teachers and clerks of election precincts are not."

In the body of the decision, when referring to the case of Kamanao, a land agent, for whom a warrant of payment as election inspector was asked, the opinion says:

"There is no definition that can be applied to all cases as to what constitutes one an officer. But, in our opinion, one is not an officer where, as in this instance, the law does not recognize him by providing for his appointment or his pay or his duties, or in any way, but he is engaged by other officers to temporarily assist them and is paid according to his contract with them out of the appropriation for general expenses. He was a mere employee."

Regarding Messrs. Ray and Estep, principals of schools, the Supreme Court said:

"In our opinion public school teachers are not officers or holders of offices within the meaning of the statute. They are not appointed, strictly speaking. They are not required to take an oath or to give a bond. Their duties are determined for the most part by the Department of Public Instruction rather than by law. Their relation to the people or to the department is rather contractual than official. Their salaries are not specifically provided for by law but are paid along with other expenses out of a general appropriation in such amounts and at such times as the department determines. They do not exercise sovereign functions. Public school teachers are not generally considered officers elsewhere."

In conclusion the court decided thus: "Our opinion is that the Auditor properly declined to issue a warrant for the inspector Moanauhi, but erroneously declined to issue warrants for the other inspectors and the clerk."

Moanauhi was a deputy sheriff. His pay was voted directly by the Legislature. Therefore he was an officer. According to the foregoing the Supreme Court defines the law in a way to make it impossible for a member of the Legislature, during the term for which he is elected, to take the office of road supervisor or any other office for which the Legislature provides a specific salary.

A. S. HUMPHREYS MAKES A SCENE

Objection was raised in Judge Gear's court yesterday to the acting of A. S. Humphreys, practically, as associate counsel for his law partner, A. H. Crook, in the trial of Brewster vs. Church. Mr. Humphreys is not a practitioner in the Territorial courts, though one in the Federal court. Notwithstanding, he was on this occasion directing his partner continually in an audible tone.

Mr. Douthitt, the opposing attorney, at last objected to the interruptions. Mr. Crook claimed that Mr. Humphreys, being the agent of Mr. Brewster, had a right to advise his counsel in court. (It was part of the evidence in the case that Humphreys acted for Brewster, who is his brother-in-law, in making the tender of \$5000 mentioned in the court report elsewhere.) Mr. Humphreys rose in court to justify his conduct for himself. He taunted Mr. Douthitt with being a lawyer of "limited practice."

Judge Gear sustained the objection, which elicited from Mr. Crook the sarcastic remark, "Thank you, Mr. Douthitt." While the attorneys were holding high words toward each other, Judge Gear suggested that they might "meet on the grass after four o'clock."

Incompetent Jurors.

Three persons summoned from the Jury Commissioners' list of 250 "qualified to serve as jurors" were dismissed by Judge Gear yesterday because they were under age. Another was dropped out for inability to understand the English of the Courts. "Hard words" upset him. Judge Gear expressed surprise at the number of incompetent persons whose names were returned on this year's jury list. It is up to Jury Commissioners Risks and McCarthy to explain.

The Department of Commerce and Labor has issued a bulletin on Hawaii made up from extracts from Thurman's Hawaiian Annual for 1904.

MAGOON OUT A THOUSAND

Fee Reduced and Justice Galbraith Objects to Any Fee.

By a majority decision the Supreme Court declares, in the matter of the guardianship of Rebecca Panes Humeku, a spendthrift, the law as follows:

"A guardian who is an attorney at law may, in a proper case, be allowed extra compensation for professional services rendered for the benefit of the ward."

"Under the circumstances of this case, a fee of \$1250 held excessive and \$250 allowed as a reasonable fee."

Chief Justice Frear and Justice Perry sign the opinion, which is written by the latter. E. M. Watson, as next friend, appeared for the ward, and J. A. Magoon, in person. Magoon was allowed a fee of \$1250 as his own attorney in resisting a petition by Mrs. Humeku to terminate his guardianship of her. The allowance of this fee by Judge Gear was sought by the ward to be set aside, on the grounds that Magoon's contest was in his own personal interest and that the fee was excessive.

The majority opinion deals with the first ground thus:

"As we understand the argument for the ward, it is not contended that extra compensation may not in any case be allowed a guardian who is an attorney, for legal services rendered. Elsewhere the decisions on the subject are not uniform. In this jurisdiction it has become the established practice to allow such compensation in proper cases. See In re Estate of Kalia Kapukini, 14 Haw. 204; Magoon vs. Brash et al., 11 Haw. 204, and also In re Estate of Hiram Malika, 3 Haw. 522. In the case at bar, Magoon's appearance and his resistance of the application were for the benefit of the ward; it was the guardian's duty, under the circumstances of the case, to appear and defend. Upon the record we find no reason for holding that the resistance offered was solely in the personal interest of Mr. Magoon."

On the question of whether the fee was excessive, the opinion goes into particulars of the services rendered. It presumes that Judge Gear was guided by the decision of Judge De Bolt in allowing Thomas Fitch, by consent of the ward in court, a fee of \$1250 for attacking the guardianship. In cutting down the fee to \$250 and remanding the case to the Circuit Judge for further proceedings, the majority says:

"In any event, this court is not bound by the standard of measurement adopted by the Circuit Judge. It may be added that no more can be allowed to Mr. Magoon than the latter as guardian would have been, under all of the circumstances of the case, justified in paying if he had employed other counsel; and in the latter event acting, as he was, in a fiduciary capacity, he would not have been at liberty to employ counsel at fancy figures, but it would have been his duty to bear in mind always the ability of the ward's estate to pay, as well as the other circumstances, and to secure assistance at a cost that would be reasonable."

Justice Galbraith, in a dissenting opinion says:

"The 'established practice' in this jurisdiction, of allowing additional compensation to administrators and guardians, for legal services rendered by themselves, rests upon no stronger ground, it seems, than an occasional allowance of such claim."

He quotes the Malika case as the first adoption of the rule, saying that in that early decision "no attempt was made by the court to justify the adoption of the rule by argument or the citation of authorities of any kind."

The two subsequent cases cited followed the earlier case as an authority without question.

Proceeding, Justice Galbraith gives the gist of his opinion on the principle in the following paragraph:

"The practice of allowing fees, in addition to the statutory commissions, to members of the bar who may be guardians, or act in other trust capacities, for legal services is wrong in theory and pernicious in practice. It was never contemplated that the office of guardian should be one of great profit or that it should be sought on account of its emoluments. The position of guardian is not thrust upon one against his will. It is usually sought for. Philanthropy and not avarice, is supposed to be the motive that should prompt one to seek the place."

An Illinois case decided in similar terms to the expressions just quoted is cited, and the dissenting Justice says:

"To permit Mr. Magoon the guardian to employ Mr. Magoon the attorney to represent the guardian in a lawsuit and allow him a fee of \$1250 or any other amount from the estate, would place the guardian in a position where his interest might oppose his duty."

It is argued that the "compensation for his services," which the statute allows a guardian, has been fully paid to Mr. Magoon in the commissions allowed him annually of ten per cent and seven per cent as prescribed by statute in such cases provided.

Tara McGrew in Spain.

Tara McGrew lately took a vacation in Spain from his studies in Paris. He saw the Alhambra and all the other fine places. He thinks Spain highly picturesque but the people insufferably lazy and dirty. Mr. McGrew writes that the land is full of mineral wealth and that it ought to belong to America so the mines could be properly developed.

OAHU LAND TRACTS TO BE SURVEYED AT ONCE

On Monday next a party of government surveyors will go to the western end of the island of Oahu for the purpose of surveying two large government tracts of land which are desired by homesteaders. The tracts are the lands comprised in the Paumaula section of 2000 acres, and Pupukea, containing 2353 acres.

There are a number of kuleanas involved in the tracts, and the surveyors will determine their boundaries. These will considerably lessen the area of both tracts, but when the complete acreage is definitely known, Commissioner Pratt will have a very fine lot of land to offer to prospective settlers.

There is one association of eight persons who have requested permission to take up lands in the district, and a number of individuals who have their applications on file.

CONSPIRATORS CONFESS GUILT

Yanehara, Kanazawa, Yamakawa and Sekimoto yesterday, at opening of the afternoon session of the third day of their trial for conspiracy, changed their plea to guilty. Attorney Watson made the announcement for them, but Kanazawa said on his own behalf that he did not believe he was guilty until he had heard the evidence.

Judge Dole discharged the jury from the case, thanking them for their patient attention. He remarked that a certain class of Japanese held to a low standard of morals as compared with the American. In America the American system must be followed and American laws enforced.

Others of the Ten Dollar Club will probably now plead guilty when brought to trial.

MEN FOUGHT IN BILLIARD ROOM

Shortly after seven o'clock last night there was a lively fight in a billiard parlor on Hotel street. The scrappers were E. Manuel de Souza, a soldier from Camp McKinley who is well known among his fellows because of the fact that he has a large bank account and always has considerable money in his possession when arrested, and H. Howard, a white man. After being arrested the men tried to continue their fight and it was with considerable difficulty that they were landed in the police station. De Souza had over fifty dollars in his pockets and after being placed in a cell spent four or five hours in crying.

WILSON'S FATE SEALED IN A LETTER TO HOLLOWAY

Charley Wilson's protest to the executive committee of the Republican Territorial Central Committee was answered after two meetings had been held to discuss the matter, and it is rumored that the committee's former action was sustained. A letter was sent to Superintendent Holloway last evening by Chairman Crabbe announcing the result.

The committee held a meeting during the forenoon. Its deliberations were secret, but the pow-wow could be heard beyond the committee's rooms. No decision was reached then. The committee adjourned at 11 o'clock to meet again at 4. The deliberations ceased before 5 at which time a letter was dictated to Superintendent Holloway.

Wilson's attorneys, Robertson and

Stewart, were present at the opening of the morning session, but upon the committee deciding to go into executive session, they were excluded. One question discussed was as to whether the proxies held by J. A. Gilman and W. H. Hoogs for Baldwin of Maui and McStocker of Hawaii, were valid under the rules. The votes by proxy on the previous consideration of Wilson and Clark were used against the two men. The claim was presented that under the rules, this was not allowable.

If the committee did sustain its former action, Superintendent Holloway will undoubtedly revoke the commission of Wilson and appoint Sam Johnson as Road Supervisor. As a matter of economy the Garbage Department over which Johnson has presided, may be merged into the Road Department, with Johnson at the head of both.

SMALL RISKS OF FIDELITY COMPANY

Editor Advertiser: Replying to your attack upon the assets of the Fidelity Insurance Co., in this morning's Advertiser, I wish to state that according to the last statement filed with the Deputy Insurance Commissioner there is not a single share of the Honolulu Investment Co.'s stock included in the assets of the Fidelity, and in reference to the purported statement of Assistant Attorney General Fleming as to "what would happen if the Company had to meet any considerable loss by fire," I will state that it would be impossible to have any considerable loss by fire, for the good reason that we have not a considerable amount of policies outstanding, and furthermore, on account of the way we have our few risks scattered we could not lose more than \$500 on any one fire, unless the entire city of Honolulu was destroyed by fire; and even if that should happen the Company has more than enough of good assets to enable it to pay every loss.

EMMETT MAY.

Honolulu, Jan. 22, 1904.

The slackening of trade in the East is decimating the Unions. Frederick W. Job, secretary of the Employers' Association of Chicago, says that their membership in that city has gone down 80 per cent. In New York the threat to suspend building operations on large contracts is having its effect. Mechanics and artisans have to live and when employment begins to ease up, their desire to get and stay on a payroll overcomes their zeal to do so only at the caprice of a walking delegate.

KOHALA FRANCHISE TO BE SOLD ON FEBRUARY 19

Governor Carter sent instructions to Land Commissioner Pratt yesterday by wireless from Kohala to advertise the Kohala Ditch franchise to be sold on February 19. Commissioner Pratt wired the Governor on Thursday asking the latter to set the date.

Commissioner Pratt is preparing the draft of the advertisement and it will be inserted without delay.

(Continued on page 2.)

MR. SHAW IS ENTERTAINED

By Heads of Departments at Alexander Young Hotel.

Earl B. Shaw, son of the Secretary of the Treasury, was entertained at dinner at the Alexander Young Hotel yesterday afternoon, by the heads of Territorial departments on the invitation of the Attorney General.

The party sat down to a fine spread at 1 p. m. and rose at 2:30. Mr. Shaw sat between Federal Judge S. B. Dole and Attorney General Lorrin Andrews, the rest of the company being C. S. Holloway, Superintendent of Public Works; A. N. Kopekai, Treasurer; A. T. Atkinson, Superintendent of Public Instruction; J. H. Fisher, Auditor; J. W. Pratt, Commissioner of Public Lands; Walter E. Wall, Surveyor, and George E. Smithies, Deputy Insurance Commissioner.

Mr. Shaw was decorated with leis. His health was drunk, as was that of the President of the United States. In responding for himself Mr. Shaw said he was delighted with the islands and regretted very much he had not a chance to see more of them. Wherever he went he could only speak favorably of Honolulu and the people. He thanked the officials kindly for the attentions shown him.

After rising from the table the hosts, with the exception of Judge Dole who had to return to court, escorted Mr. Shaw to the steamer Copie, where they gave him a Honolulu send-off upon his voyage for the Orient. Like their guest, they all went forth enraptured with leis and looked altogether a distinguished crowd.

To the regret of the other officials, Dr. Cooper, president of the Board of Health, was unavoidably detained from attending the dinner.

PROBABLE AMENDMENTS TO THE COUNTY ACT.

(Continued from page 2.)

repugnant to section 80 of the organic act and therefore void; and that they are not so intimately connected with other parts of said county act as to invalidate the latter, but that on the contrary the rest of the said county act is severable and can stand without the invalid portions." An appeal was taken from this decision to the supreme court, and the case is still pending in that court.

Section 80 of the organic act referred to by the defendant and the court, provides among other things that the governor shall nominate and, by and with the advice and consent of the senate, appoint the members of all boards of a public character that may be created by law, and may make such appointments when the senate is not in session by granting commissions which shall, unless such appointments are confirmed, expire at the end of the next session of the senate.

The provisions of the county act appropriating certain property, under the present control of the government of the Territory, raises some embarrassing questions. The greater part of this property is covered by the provisions of section 91 of the organic act, which places its control and management in the government of the Territory of Hawaii, until otherwise provided for by Congress, or taken for the uses and purposes of the United States. This enactment suggests the question whether these provisions, transferring such property from the control of the government of the Territory to the subordinate governments created by the legislature, require the approval of Congress.

These provisions transferring public property to the counties were evidently intended by the legislature as grants of ownership or title. Section 477 of the county act referring to the transfer of jails and property used in connection therewith, says, "all property so transferred shall be the property of the county and subject to the control of the board of supervisors of such county." A similar provision appears in section 476 in relation to roads and bridges. Section 22, division 6, authorizes county supervisors to sell at public auction any property belonging to the county not required for public use. Jail property is mainly real-estate, a large part of the public waterworks, of the fire department property, of the public electric-lighting plant for Honolulu, and of the public markets are also real estate. Such provisions for transfer of public land property being inconsistent with section 73 of the organic act which continues in force Hawaiian land laws until Congress shall change them would seem to require for their validity the approval of Congress.

Section 171 purports to transfer the duties and authority of the commissioners of boundaries to the surveyors of the respective counties. As the laws providing for the boundary commissioners are a part of the Hawaiian land laws continued in force by section 73 of the organic act, this provision must also be invalid unless approved by Congress.

It would appear from these references to the organic act that the transfer of such real estate as is necessary to the administration of county affairs should have been a transfer of the use only in the nature of a trust.

In a drunken row in Kakaako last night four Japanese got too handy with knives and were gathered in by the police on charges of assault with weapons.

FIDELITY CO. SHRINKAGE

Its Net Assets Melt Away Under Close Scrutiny.

The net assets of the Fidelity Insurance Co., as filed in the Insurance Bureau, were valued at \$101,412.98. Deputy Commissioner G. E. Smithies, however, after a careful estimate of the items, reduced the valuation to \$38,456.33, or nearly two-thirds less than the company's figure.

Among the assets as presented by the company are 300 shares of the Honolulu Investment Co., put down at \$24,000, or \$80 a share. At the latest quotation of the stock in the market, which was on October 24, 1903, the shares sold at \$5.90. The authentic value of the stock—if it has any at all today—would make the block of 300 shares in question worth just \$1,755.

"The thing is juggled so much," Assistant Attorney General Fleming said yesterday, "that you cannot tell what the assets of the Fidelity Co. are really worth."

"What would happen if the company had to meet any considerable loss by fire? It simply could not pay anything."

JOHNSON DISPLACES WILSON

Captain Sam Johnson assumed control of the Road Supervisor's department at 12 noon yesterday, vice Charles B. Wilson, whose services were dispensed with by Superintendent Holloway. The change was effected after the receipt of the letter, spoken of in yesterday's Advertiser, from the Republican Territorial Central Committee, containing the result of its deliberations on Friday regarding Wilson. The letter strongly endorsed Johnson.

Charles Wilson was notified of the result of the same meeting in a letter from the committee as follows:

"I am instructed to acknowledge the receipt of your communication of the 21st inst., and would state that the Executive Committee of the Territorial Central Committee of the Republican Party took no action at its meeting held this day regarding the continuance or non-continuance of your self in office."

Wilson made reply to Chairman Crabbe as follows:

"Sir: I hereby appeal, under Article VI, Section 7, of the Rules and Regulations of the Republican Party, from the action of the Executive Committee, had on the 19th inst., and on this day upon the matter of my continuance in office in my absence, after the receipt of said letter, was illegal."

"Fourth. That the consideration of this matter in secret session was illegal."

"Fifth. That the final decision in secret session of any matter affecting the substantial rights of a Republican and the omission thereof from public record, is illegal."

Superintendent Holloway in a personal interview notified Wilson that a change in the Road Department was necessary and he thereupon deprived him of his office, conferring it immediately upon Johnson.

Wilson says that he intends to fight the action taken by the executive committee.

Sam Johnson, who will be at the head of the combined road and garbage departments, on taking office, got rid of the "hoodoo chair." As so many of his predecessors have been unfortunate, and all have used the same chair, Johnson declined to take it, and fired it out of the office.

EMMETT MAY MAKES DENIALS

Editor Advertiser: Referring to the article published in your paper of the 22nd instant in reference to the Fidelity Insurance Co., in which you quote Mr. Smithies as follows: "Its assets as shown by statements are principally realty" . . . "Each piece, with the exception of the Iwilei leasehold, is subject to a mortgage." If the Deputy Insurance Commissioner made the statement, as contained in the last quoted sentence, he states that which is not the truth. The statement of the Attorney General, as quoted by you, "They never put up a cent of money," and that the "Honolulu Investment Co. has never paid a dividend," is also absolutely false.

EMMETT MAY.

Honolulu, Jan. 22, 1904.

At the groceryman's.

"Half a pound of tea, please."

"Black or green?"

"Makes no difference; it's for a blind man."

WANTS A SHEEP RANCH

Investor Waiting for Chance to Pick One Up.

Among the prospective investors from the mainland who are looking around Hawaii are some who want ranch properties. There is a young man from Utah now here awaiting an opportunity to pick up some sheep or cattle lands, with a view to engaging in the business on a large scale. It was his purpose to take over the Puuloa sheep ranch which was bought last week by A. W. Carter, but he is holding on looking up other propositions. For the past three years the young man has looked after several large sheep ranches in eastern Utah, western Colorado and a portion of Wyoming, where the sheep were numbered by tens of thousands. He has had ample experience in the sheep, as well as the cattle business, and believes the field in Hawaii is a favorable one.

"I have been visiting the slaughter houses since my arrival," said he yesterday, "and have come to the conclusion that there is a need of strengthening up the breeds. The cattle are thin and the flesh looks a little tough to my eye. The most of the cattle I have seen over there do not look as if a new breed had been crossed in thirty years. Cross the breeds here and look after them carefully and the Hawaiian ranches can produce good beef."

"The sheep, too, are measly-looking animals. Why, I could kill a good-sized jack rabbit over in Utah or Colorado which would look more like a sheep than many of those brought to Honolulu to be slaughtered and put in the markets."

"I am still hanging around and believe that I'll get a chance to take up a ranch somewhere in the islands."

YALE PRESS GREETED HAWAII'S GOVERNOR

The Yale Alumni Weekly has the following editorial on Yale Territorial Governors, which has special reference to Governor Carter. There is also a picture of the Governor, a brief narrative of his career and some extracts from the Advertiser and from the inaugural address. The editorial is as follows:

"The inaugural address of Governor Carter of the Territory of Hawaii to which reference is made elsewhere is the address of a man who feels the responsibility of his position, and, at the same time, is glad to take up the work for his native country. One or two of the American newspapers have quoted the address freely, getting a little fun from it because the Governor seems to take himself so seriously. It is not the kind of a political address one hears very often in this country and almost never from a veteran in politics. So much the better. It has the ring of sincerity and the serious enthusiasm of youth. The Governor intends to be taken seriously and if he is, as Governor, of the same stuff as he was as college student—if he is to be man among men as he was among boys, which is quite likely; if he is to rule the territory as he swung starboard stroke or as he created vacuum in the immediate vicinity of tackle, or as he stripped Sophomores or Freshmen off the fence, according as the occasion indicated, we believe that people will decide it was good, square dealing on his part to give them notice now that he was going to be serious about this business of being governor. We agree with the New York Sun in the belief that Governor Carter will find that he will not have to sacrifice so many friends or so many of the sweet pleasures of life, as he anticipates. However, we know he will sacrifice anything that is necessary for the common good, which is the main point."

"Unless we mistake not, Governor Carter took office while yet Governor Taft reigned at Manila, which is the same as saying that the four great outlying territories of these United States of America were all under Yale control. With the Hon. John Brady, Yale '74, Governor of Alaska; the Hon. William Howard Taft, Yale '78, Governor of the Philippines; the Hon. William Henry Hunt, Yale '73, Governor of Porto Rico, and the Hon. George Robert Carter, Yale '83 S., Governor of Hawaii, the Harvard administration at Washington appeared with an unusually strong backfield. Now that one of them has been called into the line, where he will be along side other Yale players, the team may be said to be remarkably well balanced."

AN EDITOR'S OPINION.—John S. Davies, Esq., editor and proprietor Guardian and Star, Hokitika, New Zealand, said: "I have found Chamberlain's Cough Remedy a very valuable medicine, having received great benefit from its use when suffering from a cold, and as a preventive for croup in children its excellent properties have been testified in my family." For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

He—Suppose we found a mutual admiration society. I will begin by saying I admire your beautiful eyes. Now, what do you admire in me?

She—I admire your taste.

CARTER'S HAWAII TOUR

A Constant Round of Festivity for the Executive Party—Luau, Speechmaking and Sightseeing.

PUNHUE (Woods Ranch), Jan. 20.—Governor Carter was greeted by a salute of dynamite (seventeen guns) off Mahukona this morning. The Kinau had a very rough trip; she bucked head winds for almost the entire distance and across the channel to Hawaii met a big swell. The government (both Carter and Atkinson) was in serious straits for the entire distance, as the Governor remarked at the dinner table. Even Admiral Beckley said it was one of the roughest trips he had experienced, although the Kinau behaved admirably. High Sheriff Brown left the ship at Kawaihae, where he was met by Sheriff Andrews; the two will journey overland to Hilo.

A change was made in the plans of Forester Hosmer, who was intending to go to Hilo with A. W. Carter, and then make a tour of Hamakua and Kohala. Hosmer joined the Governor's party and will meet A. W. Carter later in the forests near Waimea.

RECEPTION AT MAHUKONA.

The Governor's party was given a great reception at Mahukona. It repaid for the hardships of the sea-trip. The party that disembarked was composed of Governor George R. Carter, Secretary A. L. C. Atkinson, Private Secretary Frank Cyclopedia and Forester Ralph S. Hosmer. R. H. Trent, who is wireless business, and J. T. McCrosson, who is looking up Kohala ditch matters, also embarked here. The party were greeted with marine signal flags "Welcome" and "No Water to Drink in Kohala."

The party had a bad time landing. A high sea was running and it was impossible for the Kinau to come very close in. The small boats were used, and just as the Governor's party left the Kinau two oars snapped, and for a time it looked as if the wind might carry the little boat out to sea. The native crew, however, succeeded in bringing the boat alongside again and she was equipped with fresh oars. Then amid the booming of the dynamite salutes, and with the aid of Secretary Atkinson at an oar, the party was safely landed, just at eleven o'clock—about six hours late. Senator Palmer Woods, Frank Woods, H. L. Holstein and A. B. Loebenstein met the party here.

LUNCHEON AT THE FRAZIER.

A party of eleven sat down to a very tasty luncheon and breakfast combined, at the cozy Frazier home at Mahukona. In the party were Mr. and Mrs. D. A. Frazier, Governor Geo. R. Carter, Secretary A. L. C. Atkinson, R. H. Trent, Admiral Geo. C. Beckley, A. B. Loebenstein, Frank Creedon, Palmer Woods, H. L. Holstein and R. A. Hosmer. Leaving the Frazier home at Punhue, the wind blowing a fearful gale, making the drive rather a long one.

"The stop at the comfortable Woods Ranch was made only long enough to greet Mrs. Woods, and the Governor and party were again in the saddle for a view of the upper forest lands."

THE KOHALA RANCH.

The Kohala Ranch of Senator Woods is about 17,000 acres in extent. Some 3500 cattle roam its broad fields. Its beef is as noted as the generous hospitality of Senator and Mrs. Woods. The juicy roasts are of a quality unknown in Honolulu and more than one member of the party was tempted to leave the capital forever on that account alone.

The ranch house is at an elevation of 1847 feet and the atmosphere is clear and bracing. But little attention is paid to horticulture on a large scale although Mrs. Woods has some of the finest flowers on Hawaii. The Woods ranch lets have a reputation all over the big island, second to none. Roses bloom in profusion, violets, heliotropes and rarer buds are easily grown. The Japanese beetle is, however, playing havoc with the roses of Hawaii. Strawberries and raspberries grow abundantly and Senator Woods has peach trees in blossom and with fruit on them.

The Governor's party made its headquarters at Palmer Woods' ranch for three days.

THE KOHALA DITCH.

MAHUKONA, Jan. 20.—"We are ready to go to work on the Kohala ditch the moment the government grants us the franchise," said J. T. McCrosson, the active representative of the Parker interests in the big ditch scheme, on the Kinau today.

"I understand that Governor Carter will put the franchise up at auction next month and we intend to start on the surveys at once. The Hawaii Ditch Co. has been organized for three years now, and has always been ready to go ahead. Preliminary surveys have been made for some time and we have received estimates from O'Shaughnessy, both of the cost and the length of time it will require to build it. As soon as the franchise is sold we will begin on the working surveys."

The new franchise, the terms of which have just been published, suits us better than the first one, and we are ready to bid on it, with the conditions named. No, I do not anticipate that we will have to go to Congress for a ratification after the franchise is granted by the Territorial government. The Secretary of the Interior has already ruled that the local government has the right to sell the leases, and I believe if we began work there the general land laws of the United States would protect us. We are ready to go ahead now.

"It is our intention to build the ditch to supply not only Kohala, Union and

Hawai plantations but also over to the other side to supply water to the Hamakua plantations."

"We are ready to bid on the franchise now. I believe one of the Gehrs is in the East, the other is in Hilo; I don't know what they intend to do."

It is reported that the Parker-McCrosson interests now have a lead pipe cinch on the franchise, that is they hold the Bishop Estate and Bishop Museum leases for long periods, and without these properties the franchise is valueless. The Bishop lands will have to be crossed on both sides and the Parkers certainly don't intend to grant any rights to an opposition company. The Parker interests also are said to have made agreements with the plantations most interested for the purchase of their water.

THE RECEPTION TO CARTER.

KOHALA, Jan. 21.—Never since the days of Kalakaua, say the natives, has any one been given such a reception as was accorded to Governor Carter at Kohala here today. All along the way natives met the party, and long before its arrival at Kohala court house, the Governor was loaded down with more leis than his horse could conveniently carry. Not even Queen Liliuokalani, it was said, was given such a hearty reception by the natives of the district. For it was far more a Hawaiian gathering than anything, else, with a luau at noon, followed by a public meeting, and a reception and a dance in the evening.

ON THE WAY TO KOHALA.

The party left the Kohala Ranch, Palmer Woods' place, at seven o'clock this morning. Half way to Kohala the party was met by E. E. Olding, who had previously conveyed Forester Hosmer over the district. Mr. Olding is the forester for Kohala. After a brief stop at Dr. Wight's place, where the Governor was shown the green-house and what are said to be the finest orchids on the islands, the party proceeded to Pololu Valley where there is a large tract of government land, passing through growing cane fields on the way.

ANOTHER EXCHANGE.

The tract is one of 3500 acres and just at present there is a proposition before the government from the Bishop Estate for the exchange of a two and a half acre lot in Honolulu for the magnificent valley. The proposition is somewhat similar to that of the Boardman lot exchange and the government is also opposed to this new deal. The Bishop Estate offers in exchange for the beautiful valley two and a half acres in Honolulu, in Nuuanu Valley above the McIntyre property, which could be used as a park. The Bishop Estate wants in addition to this valley \$600 in cash or Manoa valley two lands of that value. The Pololu Valley is one of the prettiest pieces of land on the beautiful island of Hawaii. It consists of 3500 acres and is at present under lease to Akina, a Chinese, who has it in rice cultivation. Not all of the 3500 acres of course; for the greater part of the land is unavailable for cultivation, being both rocky and hilly. It is now inaccessible by sea. The present lease expires some time this year, but it is safe to say that the Bishop Estate offer will not be accepted. Akina also wants a new lease on Pololu Valley and the adjoining valley.

A KAMEHAMEHA DITCH.

From Pololu the party rode back a few miles where was shown a ditch of the workmanship, supposedly of the time of the first Kamehameha. It was as much of a work of art as some of the more pretentious wooden and stone tunnels of today, and in those days served its purpose very well. The ditch, or rather tunnel, for it is dug through solid earth and in some instances hard lava, is several miles in length and is hollowed out at a depth of thirty or forty feet. Stone and wood instruments were used in the work, and it must have required years to complete it. The ditch level was reached by digging out a hole, hardly large enough for one man to work comfortably, and he dug on through to the next excavation. There are dozens of these large holes and a stream of pure water still runs through the ditch.

AT THE KOHALA CLUB.

The next stop was at the Kohala Clubhouse, where the party rested for an hour. All along the way natives on

foot and on horseback were met and every now and then the Governor stopped to greet children or old men and women, who placed leis of mallow and roses about his neck.

THE LUAU.

The luau was a most elaborate affair, the party arriving there about eleven o'clock, the Governor being given a noisy demonstration by the assembled natives. Old Honolulu friends were met in the person of Senator Kaohi and Representative Kanho, both members of the present legislature, and Deputy Sheriff Stillman, formerly court interpreter for Judge Humphreys. Other men notable at the gathering were W. P. McDougall, Judge Atkins, O. P. Tulloch, Henry Hooke, A. K. Eldridge, R. K. Nalpo, and others equally prominent. The girls of Kohala Seminary, with the teachers, all clad in the pretty blue dress of the school, were on hand in a body. They were responsible in a large measure for the decoration of the court house and for the luau, which was gotten up on one day's notice.

The interior of the court house was hung with mallow and ferns, and the tables were covered with ferns, while at each place was a fiery red hibiscus. The good things to eat were piled upon and all the usual Hawaiian delicacies, being dished out in plenty. The Rev. S. W. Kekuewa, chaplain at the regular session of the House, said grace, while everyone stood.

Governor Carter with Secretary Atkinson sat at the head of one of the side tables, while in the center were the bright young ladies of the seminary. The tables were set in a square with the girls in the center. Five different times were the tables filled, and over one hundred were accommodated at each sitting. But the supplies lasted through to the end. After several hours of feasting the crowd gathered outside the court house and were given an opportunity to tell of the needs of the district.

KANIOH TALKS.

To Representative Kanioh, the well known author of the famous lady-dog bill, was given the honor of presiding at the meeting. He introduced the Governor in a few brief remarks.

CARTER TALKS IN HAWAIIAN.

Governor Carter talked both in Hawaiian and English, H. L. Holstein acting as interpreter for this English speech. The natives were immensely tickled at being addressed in their own language and they applauded vociferously.

"I have been appointed as Governor of the islands. As you see I am a young man; I have not a full command of the Hawaiian language, but I can understand it better. I am working for the best interests of the country and I know that I can rely on you for your assistance."

THE ENGLISH ADDRESS.

"I am exceedingly gratified to have the first public reception ever tendered to me as Governor of Hawaii, given almost exclusively by Hawaiians," said the Governor, "because I feel that I am among the Hawaiians and I am not afraid or bashful as when among white people. I feel a good deal as you feel and you must not feel shy with me. If any of you come to Honolulu, go upstairs in the Capitol building and I will be glad to see you at any time. (Three cheers and applause.)

"That's the boy," said the crowd.

"He's our boy."

"The new administration is one that desires to serve the people. We are public servants, I am the servant of you all; you see that any servant who has so many masters cannot do things to please all of them, but I hope to please the hapanul (majority) and if there is any public servant, any man drawing a salary from the Territorial government that treats one of you, the humblest of you, in a way improper and without due consideration, I will consider it a favor if you will let me know, for we will have none of those men in the employ of the government."

"The law is not out of the reach of the poorest and most humble man, nor is the richest and most powerful above it."

"After I am through here, I want to hear from you, the people. I do not want to monopolize all the time but there are a few things I want to know from you—I wish to know what your wants are."

(Continued on Page 5.)

SMALL FARMING IN A VOLCANO CRATER

Small farming in a volcano is an unusual pursuit and such a location for an agricultural enterprise is decidedly unique, but an enthusiast is making the most of his opportunities in this line in the crater of Punchbowl. The crater of Punchbowl is not of such a nature that successful farming cannot be carried on, for the basin has only a slight depression from the rims, the soil is fertile and algarobas grow there with great rapidity.

In the center of the crater some one has erected a small shanty, the ground surrounding it has been tilled and a crop of vegetables has been started. The floor of the shanty is made of wires stretched crosswise from the baseboards and covered over with boards and sacking. The sides are enclosed with gunny-sacks and the roof is made with straightened out tins of oil cans. A scupper composed of oil can tins leads to a spout of the same material which empties into demijohns. In this way a supply of water is conserved, which is valuable in irrigating the crops between rains.

The shack does not appear to be used for a home at present, as its interior is bare of furniture. Its most important role at present is for its roof to catch rain.

Hawaiian Gazette.

Published at the Postoffice at Honolulu,
H. T. Second-class Matter.

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FRIDAY JANUARY 26.

THREADBARE TACTICS.

Appeals to morbid conscientiousness in upright but inexperienced judges is a worn out method of obstructing justice. On behalf of corporations and individuals, it has been tried upon some of the best judges in the United States. On thoroughly bred and trained judicial officers, it has about as much effect as pouring water on a duck's back. If litigants, through unconsciousness, could throw out the best men on the bench by groundless suggestions of disqualification, they could practically select their own tribunals.

The late Ogden Hoffman of San Francisco was one of the most highly educated judges in the country and occupied the Federal Bench, as District Judge, for more than forty years. There never was a breath against his impartiality, uprightness and competency, and, during his whole judicial life, he was socially intimate with leading attorneys, with other judges and with heavy business men. It was not at all uncommon for people to attempt to mention cases, that were doubtful, to him or before him, in order to induce him to retire from their consideration. But it was useless. Every case was heard and decided by him on its merits and, when he died, the apotheosis to his memory was without dissent. He left an immaculate reputation to his collateral descendants, for he never married, and it is a fine reflection for the people of California that his spotless luster has never been tarnished through his successor. He was a bright example, but there are many others.

In New York, in Massachusetts, in Pennsylvania, and in other States, this worm-eaten trick has been attempted. In a litigation pending in 1902, one of our own judges, who was super-sensitive, allowed himself to be nagged out of a case he was trying, and after a day and a half, transferred it to one of his associates, of equally good standing. The statutes of Hawaii upon the subject of disqualification are enigmatical, and were apparently framed upon erroneous ideas. For example, the Constitution of the Republic prohibited a judge or magistrate from sitting on a new trial of any case in which he had rendered the judgment. Above all other men, the judge who has tried a case that has been reversed on appeal, is the judicial officer before whom the new trial should take place.

The theory and the practice of the law are that every judge is presumed to be qualified and just, and that the presumption can only be overcome by plenary evidence. He is supposed to be capable of maintaining all the ordinary relations of life and, at the same time, on the bench, to try every case, without fear, favor or affection, applying the law with an even and firm hand and with rigid impartiality. It is only right to say that, in the United States, in which during its existence the volume of litigation has been enormous, the proportion of judges who, through their personal lawlessness, their bad habits or more directly, were susceptible to "influence" has been very small. In exceptional instances, clearly proved, the remedy is with the appointing power or the electors. Personal character and experience are the only sure guarantees against corruption, for which the undiscoverable opportunities are numerous. In this respect, fixed public opinion, which is seldom wrong, is the best criterion. An American judge, who is fit for his position, will neither lean towards nor against his friend or enemy. He is simply the voice of the law, which is impersonal and consistent. This standard, though high, is not hypothetical, but is fully reached in thousands of American courts and, as applied to facts, has been sustained by tens of thousands of American jurors.

Next year's review of San Domingo—Jimenez and his rebels capture the capital and repudiate the American claims which the former government had conceded. Minister Powell withholds recognition. This encourages other rebels to rise against Jimenez. They get the wink from the American legation and make a strong fight, getting the Jimenez forces on the run. Capture the capital, fete the American Minister and fleet and offer a treaty of annexation to the United States. The Senate ratifies the treaty and San Domingo comes in. Trouble brews with Hayti and that country, after a brief passage at arms, is benevolently assimilated. Railroads are built, plantations are laid out and tourists advertised for. More sugar for the Trust.

Burton's get-rich-quick scheme got him into trouble once before when he advertised the President as being in favor of it. That cut off the Kansas Senator from the White House calling list. Now he may be dropped from the Senate calling list as well. All in all Burton is the poorest specimen of a Senator Kansas has ever seen since the time of his Kansas predecessor, Subsidy Pomeroy.

Hawaii and Maui are finding that the condition and the theory of County government are not even close.

THE WAR SECRETARYSHIP.

Or Billie Root, the retiring Secretary of War, President Roosevelt has said: "He is the ablest man I have known in our government service."

This eulogium, though strong, was deserved. Mr. Root's administration of his high office, when the relative conditions are considered, was not surpassed by the great War Secretary, Stanton. A New York lawyer, of marked ability and learning, with a heavy practice, when he was appointed Secretary of War, he was hardly known beyond the limits of his profession. In moderate circumstances, his acceptance of the position involved serious pecuniary sacrifice. Now his reputation has been permanently fixed in every part of the globe, and, in the United States, his position is commanding. In the close study and mastery of details, he has fairly rivaled Presidents Cleveland, Harrison and Roosevelt. The march of General Chaffee to Peking for the relief of the legations, was the result of his initiative, in which he showed the qualities of a statesman and a soldier combined. His work in Cuba, which has been completed, is known and appreciated among intelligent citizens of all parties. It is not perhaps common information that he wrote the Platt amendment to the treaty with Cuba, substantially as it was adopted. In the administration of the Philippines, his great qualities have been generally recognized. Perhaps his foremost achievement was the organization of the General Staff for the benefit of the army, which was a radical change and was stoutly resisted, but has already proved of such remarkable efficiency that the system may be extended to the navy.

These are leading points, but a volume would not contain the facts which, taken together, have covered Secretary Root's share in the Administration with glory. For such a man, voluntarily retiring, it was difficult to find a substitute, and President Roosevelt has displayed a high order of intelligent discrimination in the selection of William H. Taft.

Like Mr. Root, William H. Taft is a lawyer, who won distinction in his profession, who was raised to a high judicial position, and who surrendered the chance of an appointment to the Supreme Court of the United States, in order to serve his country in the most difficult administrative situation in which it has been placed. Mr. Taft looks great and he is great. Without affectation or pretense, American to the core, his breadth and depth of intellect, his rapid comprehension of facts, his quick perception of human nature, his promptness and accuracy of judgment, and his gentleness of manner, are a combination seldom paralleled. As a judge he would have gained renown and passed into history as one of its worthies. But it is as an administrator that his most lasting and most useful success has been gained. His Philippine experience was the exact preparation he needed for the post to which he has now been raised. As Secretary of War, he has before him a field, not altogether new to him, but which will try him to the uttermost. It is a safe prediction that he will fill the place of Mr. Root and fully vindicate the perspicacity of the President.

PRESS AND PROMOTION.

The way San Francisco business concerns support the newspapers in their efforts to advance the interests of that community, is aptly illustrated by the number of copies of the recent special edition of the Chronicle which are being received here from the San Francisco connections of local houses. The mercantile establishments of the coast metropolis are making an organized distribution to their correspondents of this special number. The advantage to the City and State must be very great and such support of the paper by the merchants enables it to issue an enormous pictorial edition, full of special articles, without too great loss to itself.

Few people have any idea of the heavy expense of getting out special pages, it happens more often than not that the sale price does not cover the cost of stock and presswork leaving the literary and mechanical part to be paid for by special advertisements or subsidies. Such support to the press as this has resulted in the wonderful immigration to California in the past year or two; newspapers going further to interest and instruct people than any other form of literature used to advertise public resources and being themselves a concrete evidence of the state of business prosperity about them. Illustrated newspapers on a large scale. The regular staff on any daily are worked to their limit in the ordinary routine and special editions mean extra and high priced help, selected for their ability to handle the subject treated. On a paper of a considerable number

THE PANAMA CANAL.

The relations between the United States and Colombia have been fully ventilated, and now even the factious minority in the Federal Senate appears to have been driven into acquiescence in the course pursued by the Administration. An illuminating speech, however, lately made by Assistant Secretary of State Loomis, before the Quill Club of New York, conclusively proves the degradation of the Colombian Congress, by which the discarded treaty was rejected. He shows that the Colombian Government wanted delay, so that the franchise to the French company for the construction of the canal would lapse, and the forty millions to be paid for the work done be turned into the Colombian treasury. An election was ordered, in which the population of Colombia was disfranchised and the vote cast by the soldiers and government employees, under the direction of Dr. Marroquin, then the president, who also controlled the count. A unanimous vote on the treaty, therefore, was easily secured, and the opportunity furnished that Panama quickly and effectually seized.

The intermittent war fever is at it again with a rising temperature.

PLANT TREES.

Early in the last century, some of the European powers saw the great necessity of forests, and not only advocated the preservation of forest trees, but established schools for instructing persons in the work. To that knowledge of the trees best adapted to certain localities and soil should be available for the more rapid reproduction of what was being so recklessly destroyed. Then the power of government was applied to protect what was necessary to the life of man in sustaining climatic balance and security from the terrible suffering caused by lack of rainfall. Our impression is that this care is still observed, its importance having been fully sustained.

One example of the destruction of the forest trees is fully and fearfully manifest in the once fertile island of St. Thomas, now a barren waste and but little inhabited or cultivated. The trees and shrubs once so dense and vigorous were all cut for timber or firewood. Once the small streams had been protected by the forest shade from the force of the sun's rays, and at the same time every trunk and leaf formed a natural lock for retarding the rush of the current to the ocean, so giving time for absorption and soil nourishment. Now all is changed, and a storm of heavy rainfall rushes down the unobstructed course of the denuded river banks and is soon lost in the great ocean. So the fertile soil is washed from the surface, and the island has become a comparatively unproductive and abandoned country.

This same state of things is going on to a far greater extent than is generally known or appreciated in our own country, and may only be recognized when it is too late. The object of the present article is simply to suggest once more the importance of the subject and to urge a fuller inquiry into methods whereby the Government may protect the remaining forests of the country, and replace those that have been destroyed. Forest trees are not grown in a season like crops of grain or vegetables, and a strong reason should appear before a single tree is cut down or destroyed. The healthful effect of the atmosphere in and around great forests is too well known to need further comment, and the influence of forests upon rainfall has been conclusively proved on all parts of the earth's surface.

With an expert forester engaged by this Territory from the Federal service to superintend the conservation and propagation of forests, we ought to anticipate results of revolutionary magnitude, even within the lifetime of the majority now living, in the increase of forest wealth upon these islands. Trees grow with amazing rapidity here, wherever a given species has congenial soil wherein to take root.

SIMPLE LIVING.

The man back east who explains how he lives on fifteen cents a day does not exhibit a tempting menu, but he lays claim to perfect health. His food is the simplest and the nearest to nature, and he eats but little. After all, eating is the source of most of the flesh is heir to, and those who eat least, like the desert tribes, live the longest. The trouble is that eating has, in large measure, become a social rite. We eat in company and hence in courses; we strive to excel others in the bounty of the table or in not, to show that prodigal feasting is at our command. Generally one is sorry next day for the excess and seeks, by an infallible instinct, to right the wrong done nature, by semi-fasting on plain and simple food. It does not take long for the milk toast and the soft-boiled eggs and the fruit to put one right again. And they would have kept one right from the start.

The fifteen cent a day philosopher is as much of an extremist in his way as the gourmand is in his. Although he has fine health he would be none the worse for adding a few more simple things to his menu and thus avoiding the peril of satiety. But he strikes many true notes, particularly in his dissertation on corn meal as a stand-by and as compared with patented breakfast foods. His corn meal costs him an eighth of a cent a pound and he claims, we think justly, that he gets more nutriment from it than he can obtain from breakfast foods. The meal, if unadulterated, has its full percentage of natural force; but the corn and wheat from which breakfast foods are made, have something taken away. They are desiccated and de-vitalized. Plain corn meal was the cereal food of the most splendid races of Indians on the North American continent; and it was the staple, with potatoes, dairy products and home-made wheaten bread, of the rugged New England farmer. As mush, tried or boiled, as Indian pudding and in the form of hot cakes, corn meal is worth all the patented breakfast foods that ever beguiled the readers of magazine advertisements. If one, for the sake of variety alternates it with rice—the chief food of the most tireless toilers in the world—no other cereal is needed. The two are incomparable in the places on one's menu which are now occupied by the Almostfoods and Nextoods of the roller mills.

Cuba, having got reciprocity, raises the tariff on American imports not covered by the treaty. Her gratitude may exist but it is not obtrusive. To the average Latin American, whom, under Providence, we took off the hands of Spain, Uncle Sam is a gold mine to be worked. And the pity of it is that he encourages the idea.

Perhaps Col. Lynch would not have got off so easily if he had done more harm in the field. Owing to the jealousy of the Boers the Irish brigade did not get much of a show. Probably Lynch could prove an alibi when it came to a charge of shedding British blood.

CITIZEN SOLDIER.

The importance of a militia, composed of citizens, in the United States, can hardly be exaggerated. It is distinctly in the interest of domestic peace and furnishes a reservoir for the production of trained soldiers in case of war. It backs discipline with intelligence and with patriotism and, when necessity arises, stands for the enforcement of the law. This country needs only a limited standing army, for, as in the Civil War and in the war with Spain, out of the militia and volunteers, habituated to the restrained use of arms, all the soldiers required can be speedily drawn and an aggressive or defensive force mobilized.

The American militia has been noted for its intense devotion to the flag and all it symbolizes. It represents neither capital nor labor distinctively, but the nation with its institutions, its constitution and its laws. In Illinois, in Pennsylvania, in Colorado, and in other States and Territories, it has exhibited its moderation and its efficiency. In the event of a foreign war or of internal broils, neither of which is at present threatened, the territorial militia would be a guarantee of protection. It is well manned, well drilled and essentially patriotic.

In the New York Independent, within a few weeks, Jack London wrote: "No workman can be true to his class and at the same time be a member of the militia." This is the dictum of the labor leaders. "To be a member of the militia is to be a traitor to the union, for the militia is a weapon moulded by the employers to crush the workers in the struggle between the warring groups."

These of course are not the views of Mr. London himself, but his interpretation of the views of labor organizations, as enforced by their leaders. They are grossly inaccurate and unjust and are founded upon an obvious falsehood. The militia is equally indifferent to labor and to capital, as such, all intelligent Americans do, would sympathize with labor and with its legitimate combinations, pursuing lawful ends by lawful means. With them it has never interfered. But it has properly been employed to prevent or quell violence, for which, not the mass of wage-earners or their properly organized unions, but fraudulent and lawless walking-delegates, were responsible. Capital, never, or rarely, has attempted to break the law by the use of force. Its ordinary methods are lawful, and, when it seeks illegal ends, it resorts to fraud and bribery, which the ordinary tribunals of the country, as the last year has demonstrated, are both able and ready to expose, to arrest and to punish. Corruption, however, is not confined to capital but has been practised by assumed representatives of labor. The law is equally competent to deal with either.

The Socialists in Germany tried to emasculate the German army, but they ignominiously failed. In the United States, the militia so far has proved itself above contamination by illegal aggressiveness, no matter from what source it emanated. If capital sought to resist by armed Hessians the execution of a judicial decree, and the ordinary power of the law was inadequate to its enforcement, the militia would respond with the same deliberate impartiality which it has always exhibited when outrages were perpetrated in the name of unorganized labor but without its genuine sanction, upon non-union wage-earners.

There is no class of citizens, to whom the law and the flag should be more sacred than workmen, whether skilled or unskilled. No man is above the law and all men need the law, honestly and fearlessly administered, for their protection. In our history, the militia has only been used, when necessary, for the enforcement of law, and it has never yet proved recreant to its trust.

AMERICAN POLITICS.

Since the removal of the old hackneyed subject of slavery, American politics has become simply a matter for the ups or the downs, the ins or the outs, illustrated by the fable of the bear and the fox.

A certain fox suffering the pangs of thirst discovers a well on the outskirts of a farm yard. From the shaft and wheel above the well are suspended two buckets; the one goes down empty as the other is drawn up full. After futile effort to work the mechanical problem, and the craving for water overcoming his judgment and caution, he jumps into the upper bucket to slip the few drops that remained from the last draw; and, of course, the preponderance of weight carried him speedily to the bottom, while the other bucket went to the top. The predicament is serious and his reflection active. His solitude is disturbed by the voice of an inquisitive bear, who, suffering from thirst, wishes to know how the fox was so fortunate as to get within reach of the water. "Oh," said the fox, "I am here also to avoid the hunter's hounds, who are tracking me with great fury, and, should they overtake you, the consequences are inevitable. Be advised in time and come here in security. Just jump into the bucket above and you will come down gracefully and be enabled to slake your thirst and be secure from all danger."

Into he jumps and down he goes, while the cunning fox in the other bucket is drawn to the surface. Looking over the edge of the well at the bear, he provokingly informs him that this is nothing but a law of gravity. "One goes down as the other goes up. One in and the other out."

GOLD MEDAL FOR THE NON-COMS.

A handsome gold medal has been presented to the First Regiment, N. G. H., by the officers to be won in competition by the non-commissioned officers. The award will be made to the noncom by regular army officers. The medal is on display in Wichman's window.

OBSTACLES TO WAR.

There are some potent causes which operate in these days to prevent war: (1) The debts of European nations are so great and taxation is so heavy, that a foreign war, if indecisive, thereby increasing both debt and taxation, is likely to cause a perilous amount of discontent at home.

(2) If the result of the war is decisive, other powers may combine to keep the victorious one from getting the prizes for which it fought. Russia got nothing out of her war on Turkey other than the protection of some of the Christian subjects of the Turk under other flags than her own. She was, filled of Constantinople. Later, in the victorious war with Greece, she was foiled of Thessaly. When Japan whipped China, she was permitted to get only a part of the recompense which China owed to her, losing the Liaotung peninsula—which includes Port Arthur—and the suzerainty over Korea, both of which were vital to her interests. It doesn't pay to fight for spoils that may be snatched away by outsiders.

(3) War plays such havoc with commerce that all powers which share the trade of a threatened country use their influence to protect it. Thus, in the present Far Eastern crisis, the commercial nations are directing their advice towards a compromise.

(4) Commercial nations are usually able to prevent the issuance of a foreign loan to belligerent powers. So far Japan and Russia have not sold any bonds though both have issued paper. If the money-market abroad is closed to them they will have to look at home for funds. It is doubtful that Japan could do so to advantage; nor is Russia favorably situated for domestic borrowing on a large scale. She prefers to seek funds of the French who, so far, are wary of the proposal.

(5) The balance of power is disturbed by war and Europe wishes to maintain that balance as it is. Had the United States sought, in 1898-9, to annex portions of Spain, continental Europe would have organized against her. Political balances, in the Old World, are things not lightly to be disturbed. In Asia the matter is less acute than in Europe, but it counts.

(6) As a recourse from war the powers have established a peace tribunal at The Hague. It is open at all times and ready for business and there is a growing sentiment in the world that it ought to be relied upon in the settlement of all international questions which do not involve a definite point of honor.

In view of all these obstacles to war, the chances of a conflict between Russia and Japan over a matter which may be arbitrated, seem remote.

LOCAL BREVITIES.

(From Saturday's Daily.)

Senator J. D. Paris of Hawaii is in town.

The Manoa valley and part of town had a storm resembling a cloudburst last night.

Noa W. Aihui was admitted to practice in the Federal court yesterday, on motion of Attorney General Andrews.

Geo. C. Hewitt, lately manager of Hutchinson plantation, has been licensed to practice law in the lower courts.

W. P. Fennell has resigned as deputy assessor and collector for Kauai district, Hawaii, and Dr. Schwallie is reported to be out for the job.

Former Circuit Judge R. D. Sullivan has forwarded cards from San Francisco to friends here, announcing that he has opened offices at No. 230 Crocker building.

Eben P. Low of Hawaii was elected a member of the executive committee of the National Live Stock Association, whose annual convention in Portland, Ore., he attended.

Henry Martin of St. Louis, a famous manager in the junior branch of the Y. M. C. A., is coming to Honolulu to superintend Boys' Brigade work. Theodore Richards has sent him a hurry up cablegram.

(From Monday's Daily.)

The engagement of Mr. Arthur E. Carter of Honolulu and Miss Lucinda Awana of Maui is announced.

Gibson Bell arrived from Hilo in the Kinau to take the position of stenographer for the Supreme Court.

Philip Peck, the Hilo banker, arrived in the Kinau to attend a meeting of the Kohala-Hilo Railway co.

Governor Carter and party will be entertained at the home of Rev. Stephen L. Desha, Hilo, by the Aloha Aina Society.

A Chinese found dead, with his throat cut, in a labor camp at Onomea, Hawaii, was declared on investigation to have committed suicide.

Rial's World Entertainers will arrive here from Australia on April 9 and give performances at the Orpheum until April 20. On the latter date the Walter Sanford Company will arrive from Australia and play at the Orpheum until May 4. A Webber & Field Co. will arrive from the coast on May 11 and remain until June 1. The Webber-Field companies are fun-makers of the highest order.

John Kakina, district magistrate of Hanaele, is dead. He was 66 years of age and had been prominent in politics.

A Japanese is in jail at Lihue charged with the assassination of O. H. Glendon by means of dynamite at Makaweli.

PHYSICIAN.

DR. MILAN SOULE—Office removed to 121 Geary street, Residence, Palace Hotel, San Francisco, Cal.

Aching Joints

In the fingers, toes, arms, and other parts of the body, are joints that are inflamed and swollen by rheumatism—that acid condition of the blood which affects the muscles also.

Sufferers dread to move, especially after sitting or lying long, and their condition is commonly worse in wet weather.

"It has been a long time since we have been without Hood's Sarsaparilla. My father thinks he could not be without it. He has been troubled with rheumatism since he was a boy, and Hood's Sarsaparilla is the only medicine he can take that will enable him to take his place in the field." Miss Ada Dorr, Sidney, Iowa.

Hood's Sarsaparilla and Pills

Remove the cause of rheumatism—No outward application can. Take them.

BUSINESS CARDS.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Honolulu, H. I.

F. A. SCHAEFER & CO.—Importers and Commission Merchants, Honolulu, Hawaiian Islands.

LEWERS & COOKE—(Robert Lewers, T. J. Lowrey, C. M. Cooke)—Importers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.—Manufacturers of every description made to order.

HONOLULU STOCK EXCHANGE.

Honolulu, January 25, 1904.

NAME OF STOCK	Capital	Val.	Bid	Ask
MERCANTILE.				
BENNER & CO.	\$1,000,000	100		105
SUGAR.				
Ewa	5,000,000	30		104
Haw. Agricultural Co.	1,000,000	100		
Haw. Com. & Sugar Co.	2,512,750	100		106
Hawaiian Sugar Co.	2,000,000	0	30	32
Honolulu	2,000,000	0	20	105
Honolulu	2,000,000	0	20	105
Kaika	500,000	100	100	
Kihun Plant Co., Ltd.	500,000	0		20
Kipahulu	100,000	100		9
Koloa	500,000	100		100
McCoy Sugar Co., Ltd.	3,500,000	30		85
Oahu Sugar Co.	750,000	100		100
Onomea	1,000,000	20		
Ookala	500,000	20		
Oloahua Sugar Co., Ltd.	5,000,000	30		
Oloahua	100,000	100		
Panama Sugar Plant.	5,000,000	50		
Pae	500,000	100		
Pala	750,000	100		
Pepee	750,000	100		100
Pioneer	2,750,000	100	60	90
Waialeale Agr. Co.	4,500,000	100		10
Waialeale	200,000	100		100
Waialeale	200,000	100		100
STEAMSHIP CO'S.				
Wilder & S. Co.	500,000	100		110
Inter-Island S. Co.	600,000	100	120	
MISCELLANEOUS.				
Haw. Electric Co.	500,000	100	95	101 1/2
H. T. & L. Co.	1,000,000	100		92 1/2
Mutual Tel. Co.	150,000	10		90
O. R. & L. Co.	4,000,000	100		25
Hilo R. Co.	1,000,000	30		17
BONDS.				
Haw. Gov't, 5 p. c.				97
Haw. Gov't, 4 p. c. (Five Claims)				
Hilo R. Co., 5 p. c.				101
Hon. R. I. & L. Co., 5 p. c.				104
Ewa Plant, 5 p. c.				104
Oahu Plant, 5 p. c.				104
Oloahua Plant, 5 p. c.				104
Waialeale Ag. Co., 6 p. c.				100
Kahuku 5 p. c.				100
Pioneer Mill Co., 5 p. c.				100

METEOROLOGICAL RECORD.
By the Government Survey, Published Every Monday.

Day	BAROM.		THERM.		Humidity	Clouds	Wind	Force
	9 a. m.	3 p. m.	Min	Max				
January								
1	16.90	80.00	80	75	55	5	NE	2-4
2	17.80	80.00	75	75	10	6	NE	2-4
3	18.90	80.00	75	75	10	6	NE	5-8
4	18.90	80.00	75	75	10	6	NE	5-8
5	19.90	80.00	75	75	10	6	NE	5-8
6	19.90	80.00	75	75	10	6	NE	5-8
7	19.90	80.00	75	75	10	6	NE	2-4
8	19.90	80.00	75	75	10	6	NE	2-4
9	19.90	80.00	75	75	10	6	NE	1-4

Barometer corrected to 32 F. and sea level, and for standard gravity of Lat.

On Shore and Facing Eastward

SOUTHERN PACIFIC offers

Choice of Routes and
Choice of Trains

"SHASTA ROUTE"—Oregon Express.

"OGDEN ROUTE"—New Overland Limited.

"SUNSET ROUTE"—Sunset Limited. Down California Coast. Crescent City Express via San Joaquin Valley.

THE DIRECT ROUTE IS THE OGDEN.

The SHASTA will show you Northern California and Western Oregon.

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Information Bureau

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WHEN MORMONS
INSULTED FLAG

Editor Advertiser. Mr. Thos. Fitch's article, on "The Mormon Prophet," in the Sunday Advertiser was a most instructive, and in the main, one of the most fair-minded histories of Brigham Young that I have read. He is right in most of what he says of the Mormons; but I do disagree with him in one particular where he says: "I was never able to see the need of governmental interference with the Mormons."

No people who observe the laws of the United States need have any fear of governmental interference, but I recall to mind one very striking incident in the history of Mormonism which occurred in Salt Lake City in 1885, or 1886, I do not remember the year, which is an illustration of such an extreme necessity. It occurred on July 4, the nation's birthday, when the American flags were hoisted to the highest points in honor of the day, from most buildings in the Mormon capital.

I was riding in a street car and as it neared the City Hall a great crowd was noticeable at the front entrance and massed about the base of the flagstaff. I looked up and saw the American flag at half-mast and upside down. In the crowd around the flagstaff were several of the Mormon police, one, Charles Crow, with a revolver in his hand. Another was Major Edmund Wilkes, son of Admiral Wilkes, U. S. N., well known as Commodore Wilkes to Hawaiian kamaeas. Major Wilkes served in the Confederate army, but he was there that day to support the American flag. He demanded that it be properly raised and Crow said that he would shoot any man who interfered with the flag—the police had raised it, and it would stay there until he was ready to take it down.

Major Wilkes was backed by other Gentiles (any one in Utah who is not a Mormon is a Gentle). A telephone message had already been sent to Fort Douglas, three miles distant, to Col. Alexander D. McCook, and he started a large detachment of soldiers to town in the ambulances. Wilkes was soon reinforced, however, by a number of Gentiles from a big Gentile business house, and soon a fireman climbed up the pole to the cross-trees, readjusted the flag and then hauled it to the top of the pole amid cheers.

On that same day in many of the Mormon settlements, where few or no Gentiles were to be found, the American flag was trailed in the dust in processions.

Col. Fitch was not in Utah at that time and does not know from personal observation why there was need of governmental interference.

A GENTILE.

BIRTHDAY OF
THE EMPEROR

On Wednesday, January 27th, the German residents of Honolulu will celebrate the birthday of the Emperor. Mr. H. A. Isenberg, German Consul, will hold a reception at the Consulate. Through the courtesy of Mr. H. Wingate Lake the Alexander Young Hotel roof garden will be used for a concert on that evening and Captain Berger promises that the Territorial Band will produce music appropriate for the occasion. Mr. Lake wishes it understood that all Germans who want to spend the evening on the roof garden will be made welcome and it is not unlikely that there will be some informal dancing in the pavilions.

Emperor William II. of Germany was born on Jan. 27, 1859.

Two Generals Coming.

On the next transport from Manila en route to the Coast, Brigadier-General Lee and Wint will probably be passengers. When the orders reached Manila it was understood that Wint was wanted for a departmental command and Lee to join the proposed force in Colombia under General Bell. General Lee has been on duty at Batangas and Wint at Iloilo. Paray, commanding the Department of the Visayas.

PEOPLE WE KNOW

They Are Honolulu People
and What They Say is of
Local Interest.

When an incident like the following occurs right here at home, it is bound to carry weight with our readers. So many strange occurrences go the rounds of the press; are published as facts, people become skeptical. On one subject skepticism is rapidly disappearing. This is due to the actual experience of our citizens, and their public utterances regarding them. The doubter must doubt no more in the face of such evidence as this. The public statement of a reputable citizen living right in Honolulu, one whom you can see every day, leaves no ground for the skeptic to stand on.

Mrs. N. Joseph lives at the corner of Liliha and King streets, this city. She states as follows: "I was troubled for seven months with a lame back, and also suffered from occasional attacks of chills. These various complaints made my condition by no means a happy one, so that I much desired some remedy which would bring relief. This I found in Doan's Backache Kidney Pills, some of which I obtained at the Hollister Drug Co.'s store. 'I am pleased to say that they gave me not merely temporary but permanent relief and I have not the least hesitancy therefore in recommending Doan's Backache Kidney Pills. They are a good kidney medicine.'"

Doan's Backache Kidney Pills are for sale by all dealers at 50 cents per box; (six boxes \$2.50). Mailed by the Hollister Drug Co., Ltd., Honolulu, wholesale agents for the Hawaiian Islands.

TEREDO NAVALIS.

It may not be uninteresting to some of our readers to know something of this little mollusk, and of its fearful cost to the navies and general shipping of the world, to say nothing of all wooden structures such as wharves, docks and other constructions where the waters of the ocean ebb and flow. This little animal in embryo is microscopic. It floats at the fickle will of the tide until it meets and adheres to some suitable material in which it decides to make its future abode. From the moment that it adheres to its selected nucleus it begins to bore with its wonderfully constructed auger formed of two cup-like shells lined by strong cartilaginous muscles, at the lower edges, and which move together like the lips of forceps, turning as they touch each other. Thus, with the aid of the solvent properties of the water, the wood is reduced to a soft pulp and passes to one of the creature's intestines, then by a vermicular motion is forced to the orifice and out into the surrounding water. This little animal enters by a very small orifice, which is only enlarged sufficiently to admit of the inflow of the sea water and the expulsion of the excrement and wood pulp from its progressive boring. As the animal grows in length so it increases in diameter, tapering from the head downward to the tail, which is always held at the opening, and so controls the inflow of water and the expulsion of foreign matter. The body is absolutely without bone, being capped at the upper end by the shell auger, and guarded at the lower end by two small arrow-shaped calcareous shafts, which are firmly fixed on each side near and above the end of the tail, and serve the double purpose of clearing the opening of sediment and of keeping out intruding enemies.

The worm grows as it bores, and that always upward from the mud line in the wharf structures, or horizontally with floating bodies. It shields its home as it progresses with a thin shell secreted from its own organs, and thus the sides of the hole are made smooth to its gelatinous body. They not infrequently attain the length of twenty-two or more inches, and three-fourths of an inch in diameter. Under no conditions, however, do they ever remove the guard from the hole through which they receive a fresh supply of water to regulate the work of boring, and for the animalcules therein contained, from which the supply of food is derived. The digestive organs are very simple, and appear only as an enlarged portion of the intestines, where the food rests and is absorbed, the rejected portion passing on with the wood pulp from the process of boring. As the body is semi-transparent, the intestinal canal may be seen from without and traced the entire length, always full of the woody pulp in progress of expulsion. It requires care to remove the worm entire from its habitation, as local circumstances compel it to make frequent curves in its course of boring. Upon careful examination, the shelly cups or cutters are increased in size with the growth of the animal by regular secretions not unlike the growth of the oyster shell, and are always sharp and flinty on the inner or cutting edge. The French and German scientists have made many experiments to enlighten them on the life and habits of this little animal; and, in some instances, smoothly planed pieces of wood were exposed to their ravages, and from time to time removed from the water and examined under the microscope, shavings of the wood being removed so as to judge of the progress made in the animal's life and the extent of work in a given time. Even in the hardest wood their work was perceptible from day to day. The dikes of Holland were at one time constructed largely of woody material, but the material proved insubstantial before this subtle and hidden invader. The ingenuity of man has been exhausted in devising some reasonably cheap protection from this irresistible destroyer of all woody substances that come within its reach.

Dagrel—"The editor was good enough to glance over my poem, so I hastened to assure him it was entirely original."

Fried—"And what did he say?"

Dagrel—"He said he knew that at once. He didn't suppose I had ever seen it in print anywhere."

JOS. FINN
IS INDICTED
Released on Bond
of \$1000 With
Sureties.

Joseph Finn was arrested yesterday afternoon, under a bench warrant issued by Judge Robinson on an indictment by the grand jury. He is charged with assault with intent to commit murder in connection with the shooting of Hugh Rooney. Finn gave a bond to appear in the sum of \$1000, with H. E. Garés and Chas. E. Bellina as sureties, thus securing his liberty until called for arraignment and trial. M. G. Silva was arrested under indictment for selling liquor without a license. He was immediately arraigned, but allowed to reserve his plea until tomorrow.

There were six indictments presented before Judge Robinson by the grand jury at 1:30 yesterday afternoon. They were ordered on the secret file until the accused persons should be arrested. This condition was fulfilled quickly in the cases of Finn and Silva.

MORE INCOMPETENT JURORS.

One of a special venire for twelve men issued by Judge Robinson on Saturday, the following were returned yesterday to serve as jurors: H. F. Davidson, Sam. M. Kamakau, E. R. Bivens, Harry Armitage, H. W. Lake, Geo. K. Kallil, L. de L. Ward and S. Wm. Spencer. Davidson and Armitage were excused for business reasons. Geo. K. Kallil, on being drawn for a jury, was challenged for cause because he had not a sufficient knowledge of English, and the court excused him for the term. Ward was excused on account of not being a citizen.

Four of the venire were not served with summons. P. M. Lansdale was one. He had left the Territory some months before he was wanted as a juror. Another was Robert Kekipi, who has been a sick man on Molokai for a while past. William Pa and James Kanohi could not be found after diligent search.

AN OLD INDICTMENT.

Kono, whose indictment for assault with a dangerous weapon has been on the secret file since November last, was brought into court yesterday and arraigned. He pleaded not guilty.

Judge Robinson sustained the demurrer to Senada's indictment for malicious injury, but held the defendant for further action by the grand jury.

LONG TRIAL STARTED.

Jack Morgan was placed on trial be-

A FAIR EXCHANGE.

Large sums of money are no doubt realized from simple speculation, but the great fortunes are derived from legitimate and honest business—where the goods furnished are worth the price they bring. Certain famous business men have accumulated their millions wholly in this way. Prompt and faithful in every contract or engagement they enjoy the confidence of the public and command a class of trade that is refused to unstable or tricky competitors. In the long run it does not pay to cheat or deceive others. A humbug may be advertised with a noise like the blowing of a thousand trumpets, but it is soon detected and exposed. The manufacturers of

WAMPOLE'S PREPARATION have always acted on very different principles. Before offering it to the public they first made sure of its merits. Then, and then only, did its name appear in print. People were assured of what it would do, and found the statement truthful. To-day they believe in it as we all believe in the word of a tried and trusted friend. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. It aids digestion, drives impurities from the blood, and cures Anemia, Scrofula, Debility, Influenza, Throat and Lung Troubles, and Wasting Complaints. Dr. Louis W. Bishop says: "I take pleasure in saying I have found it a most efficient preparation, embodying all of the medicinal properties of a pure cod liver oil in a most palatable form." It is a scientific remedy and a food with a delicious taste and flavor. One bottle convinces. "You cannot be disappointed in it." Sold by chemists here and everywhere.

fore Judge Robinson yesterday morning for seduction, the complaining witness being Irene Lucille Edwards. E. C. Peters, Deputy Attorney General, appeared for the Territory; Chas. Creighton and J. M. Vivas for defendant. The following jury was found satisfactory and sworn: Sam. M. Kamakau, H. W. Lake, John C. Lane, E. R. Bivens, Albert Lucas, Edward Dekum, Willard E. Brown, William Dunbar, S. William Spencer, J. M. Dowsett, J. C. Cohen and John Isaac.

DIVORCE SUITS.

Judge De Bolt granted a divorce to Rosalie Freeman against W. K. Freeman on the ground of non-support. The complaint alleged desertion by the husband since May, 1899. Stewart for libellant; no appearance of or for libellee.

Nina L Flint vs. Harry W. Flint, divorce, came before Judge Robinson on the matter of alimony. The libellee was ordered to pay \$25 a month temporary alimony, \$50 attorney's fee and costs of court, allowance to begin from date of suit, and sixty days allowed for payment of fee and costs.

Kelekia Hook Sang by her attorney, Frank Andrade, has brought suit for divorce from Hook Sang, alleging his failure to provide for her maintenance.

Irene Howard has brought suit for divorce against Henry Howard, alleging as cause the failure of support for the past year and a half.

DEFENSE WAS GOOD.

Judge De Bolt tried the case of Kwong Mow vs. Kilonia and Kanamu, an action of tort. Defendant Kanamu took possession of land which she had already leased to plaintiff. There was a condition of the lease, however, empowering her to take possession at any time in default of conditions. On this showing the jury found a verdict for the defendants. E. A. Douthitt for plaintiff; W. C. Achi for defendants. The jurors were K. A. Ahi, J. C. Axtell, Edmund Norrie, G. D. Mahone, C. J. Ludwigsen, C. H. Clapp, D. J. Styne, Henry Cook, Jos. Andrade, Jos. Aea, James Armstrong and Geo. Dillingham.

JUDGE GEAR'S CHAMBERS.

A motion to compel the executor to account, in the matter of the estate of Antonio Rosa, deceased, was taken under advisement after hearing by Judge Gear. Mr. Anderson of Hatch & Ballou appeared for James Hoare, petitioner; Lorin Andrews for John F. Colburn, executor.

The application by Goto for a writ of habeas corpus was continued by Judge Gear until Feb. 1, by consent. A continuance to the same time was ordered in the habeas corpus matter of Funakochi Tatsugoro.

Kaplan Estate, Ltd., vs. W. R. Castle, trustee, et al., and J. H. Fisher, garnishee, was partly heard on demurrer before Judge Gear yesterday morning, and continued until Tuesday, Feb. 9, Mr. Derby for plaintiff; Mr. Weaver for defendants.

GEAR'S TERM WORK.

Judge Gear excused A. A. Young from service as a trial juror for the January term.

S. P. Kahikina vs. Charles Lillil, action for trespass, was continued until February 1.

J. C. Axtell vs. H. E. Hendrick, malicious prosecution new trial came up on motion for commission to take testimony. Judge Gear took the matter under consideration until tomorrow. C. C. Bittling for plaintiff; Robertson & Wilder for defendant.

TWO CASES COLLAPSE.

Tee Wo vs. Lum Yip, assumpsit, came on for jury trial before Judge Gear. C. F. Peterson for plaintiff; L. Andrews for defendant. The following jury was sworn: Frank E. Blake, Southard Hoffman, Jr., H. E. Webster, J. J. Sullivan, C. E. Osborne, H. P. Kaohi, E. A. McCandless, W. F. Jocher, E. H. Wodehouse, Joseph Kala, L. E. Nakea and George Kalaluhl. After the trial had proceeded some time, the court granted a nonsuit with costs against plaintiff.

The next case also collapsed in the midst of the trial. It was that of Lai San Kee vs. Goo Wan Hoy. F. M. Brooks appeared for plaintiff; L. Andrews for defendant. The following jury was sworn: R. H. Worrell, J. Shaw, H. P. Roth, R. W. Davis, J. A. McCandless, F. E. Blake, W. F. Erving, H. E. Webster, John Edwards, Geo. Makalena, E. P. Chapin and J. J. Sullivan. A bill of sale having been discovered which Mr. Brooks had not not of, he asked that the case be dismissed without prejudice. The request was granted with costs against plaintiff.

ON CLERK'S FILE.

Father H. Valentin petitions that he be appointed guardian of Manuel Pederoza, insane, a lunatic and an inmate of the Insane Asylum. The subject of petition is about seventy years of age, has living one son of about twenty-five years and owns property valued at about \$1700.

The Enterprise Mill Co., Ltd., as sub-contractor, gives notice of mechanic's lien against John Walker, contractor, and L. B. Kerr & Co., Ltd., upon the Kerr building and its site in Alakea street. The claim is for \$4202.25 with interest and costs.

FORECLOSURE SUIT.

Abigail K. Campbell Parker has brought a suit to foreclose mortgage against Alice Herrick and Charles F. Herrick, claiming \$4500 principal on promissory note, \$442.50 interest and \$250 attorney's fee. It is further alleged that the taxes on the property are in default \$28.85 for 1902 and \$28.20 for 1903, and a claim of interest on these sums is also made. The mortgaged property is situated at Kewalo and Heulu streets, Makiki, and contains an area of 10,517 square feet.

PNEUMONIA always results from a cold or an attack of influenza. Chamberlain's Cough Remedy quickly cures these ailments and counteracts any tendency toward pneumonia. It is made especially for these and similar ailments and can always be depended upon. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

U. S. COURT
CLEARANCESentences Passed
and Cases Put
Over.

Judge S. B. Dole had a sort of clearing out session of the Federal court yesterday. Being the last day of the Honolulu term, something had to be done with cases remaining on the docket.

Matsuoke Bunji, Nakamaru Juske and Shigamatsu, belonging to the eighty in the blanket indictment for conspiracy to defeat United States laws, came up for sentence on their pleas of guilty. They confessed after having been arrested and were used as witnesses in the trials of others. Judge Dole took these circumstances into account and gave the light sentence of imprisonment three months and payment of costs.

Yoshi, a woman of the combination, was nolle prods and discharged. Sakichi Matsuoke was released by the same process, as there had been a flaw in the evidence against him.

Wada, changing his plea to guilty, was sentenced for six months. Twelve cases of the same list were continued till next term, bail in each being reduced to \$1000.

Judge Dole heard argument on the constitutional point raised in the case of Miyamura, convicted of conspiracy, being that evidence seized without a search warrant could not legally be admitted against an accused person.

HAKUOLE SENTENCED.

James K. Hakuole, who pleaded guilty of embezzling public money while employed as interpreter and cashier in the Internal Revenue office, was brought up for sentence. J. W. Cathcart made an earnest plea for leniency. He said the defendant made an honest record as interpreter in the courts, a position that afforded opportunity for crooked work. It appeared he had used small sums from official collections, without other intention than to restore the amount when possible. There was no intent to rob the Government. Hakuole was supporting a family of seventeen persons, including a wife and child, and the money he unwisely borrowed was for his household necessities.

Judge Dole, coinciding with the attorney's sentiments, said:

"My observations have led to the conclusion that embezzlement is generally committed without an intention to be dishonest. It is usually by persons who are not alive to their responsibilities as trustees of funds, and who take money for their immediate use with a clear and definite intent to make it up the next day, or when it is convenient. It is done without any definite idea of wrong and, particularly with a Hawaiian, without deliberation. Not a lot is taken for speculation, but a few dollars to spend on necessary expenses with the idea of making it up."

"The minimum sentence of the federal law is heavy for a certain class of cases, and this is one of them. I understand that the defendant has paid back all he has taken. I could gladly make the punishment less than the requirements of the statute, as I feel that a lesson has been learned. The United States has had so much difficulty in protecting its finances in the variety and complexity of its official system, however, that Congress saw fit to take strong precautions and provide heavy punishments, to educate and deter people from this class of offenses. The minimum penalty in this case is six months' imprisonment and a fine equal to the amount embezzled, which is \$164, with costs, and that is the sentence of the court."

WAS LOST IN THE
COUNTY SHUFFLE

Lying on one of the Wilder Steamship Company's wharves is a big iron safe which bears the legend, in gilt letters:

"SHERIFF OF HAWAII"

And back of this safe there is a story. It is said the steamship company is holding the safe until somebody pays the freight on it. Originally the safe was in the office of Sheriff Andrews at Hilo. When County Government went into effect the police department of the Island of Hawaii was divided into two sections. The County of East Hawaii controlled that part of the island and the County of West Hawaii the other part. So the property in the Sheriff's office at Hilo was divided, part to go to Kailua, to the County of West Hawaii, and the remainder to remain in Hilo for the Sheriff of the eastern county. This safe was one of the things to be sent to West Hawaii. It was loaded on the Kinai at Hilo for shipment to Kailua, via Honolulu. When the steamer bearing the safe arrived here it was learned that the Supreme Court had knocked out the county act. There was no longer any Sheriff in West Hawaii, so that it was useless to send the safe on its journey to Kailua. It could not be returned to Hilo for there was no authority for such shipment and there probably would not be any payment forthcoming for the round trip of the safe. So it remains on the Wilder wharf, waiting for order to be restored out of chaos in government affairs and incidentally for an order from Sheriff Andrews as to what shall be done with this portion of his office furniture.

Albion Waterhouse, Allan Herbert and Mr. Halsey are recent acquisitions to the Honolulu Chess Club. Although Tuesday is the regular assembly night for play as well as business, those desiring a game of chess can be accommodated almost any afternoon or evening.

FRANK TURK ARRESTED

Wife Shoots Him and
Then Gets Out
Warrant.

A great deal of mystery surrounds the shooting affray which took place at the house occupied by Mrs. Frank J. Turk at Waikiki on Sunday night; so much mystery in fact that the wounded man, Frank Turk, who was in his bed in the Queen Hotel, Nuuanu street, at midnight refused to see a representative of a newspaper, and everybody else concerned in the story was equally shy, the surgeon included.

Mrs. Turk appeared at the Police Station yesterday morning. She declared that Frank Turk had assaulted her with intent to do great bodily harm. A warrant containing this charge was sworn to yesterday morning but at midnight it was still at the station house and had not been served although it was generally known where Turk was.

Mrs. Turk stated that Frank, who has not lived on the same street as she for a long time and who she is now suing him for a divorce, went to her place Sunday evening. She claims that he used "shocking" language and that she ordered him to leave the premises. She also alleges that he told her he would shoot her and at this stage of the proceedings she used her own gun. She says she did this to scare him but there was a little more than a scare in the shooting for Turk got a bullet in one leg and at midnight it was stated that the bullet had been extracted.

It was also said that Dr. Wayson was attending Turk. The advertiser called the doctor up by telephone and he indignantly denied this story. He said he did not know where Turk was or who had attended to his wound.

The advertiser learned that Turk was in room No. 8, Queen Hotel. A telephone message to the hotel brought out the fact that the man who answered the phone "did not even know Turk," but on closer questioning he admitted he knew Turk and stated that he lived in the hotel but that he had not been in his room since the preceding day.

"Will you go to his room and see if he is there now?" asked the reporter. The hotel man left the phone for a moment and returning stated that he had been to the room and Turk was not to be found there.

Then the reporter went to the hotel. He rang the bell and the man who answered the door said that Turk did not live there. When reminded of the fact that the reporter knew this to be far different from a fact he admitted that Turk was in room No. 8, but that the wounded man had given instructions that he would see no one. The attendant was finally prevailed upon to go and tell Turk that a reporter wished to see him. Turk sent an answer back that he would not see the reporter. Two attempts were later made to see Turk but he refused to be seen on both occasions.

A reporter telephoned to Deputy Sheriff Chillingworth shortly after midnight. The Deputy stated that he had had an officer searching for Turk all day and that the department had just located him and would send an officer to make the arrest at once. A little later Lieutenant Nalpo served the warrant, but as he could not move Turk, Officer Mullett was left in charge. This morning Mrs. Turk may be arrested.

It is said that Turk was out with a gin party Sunday night and on coming near his wife's house thought he would just drop in and get his mother's jewels that she was wearing. That was not Mrs. Turk's night to dispose of her jewelry so she gave the Heavenly Twin an ounce of lead instead.

ARRIVED.

Saturday, Jan. 25.
S. S. Coptic, Finch, from Yokohama, at 7 a. m.
Am. bark Mohican, Kelley, from San Francisco, at 11 a. m.
Stmr. Kinah, Freeman, from Hilo and way ports.
Gas. schr. Eclipse from Anahola at 4 p. m.
S. S. Pennsylvania, Boggs, from Kanaupali, at 4 p. m.
Stmr. Nihau, Thompson, from Kanaupali ports at 10 a. m.
Stmr. Lehua from Molokai ports at 4 p. m.

Monday, Jan. 25.
Bktn. S. N. Castle, Nilson, 11 days from San Francisco.

DEPARTED.

Monday, Jan. 25.
Stmr. Lehua, Napala, for Molokai ports, at 5 p. m.
Stmr. Ke Au Hou, Tullett, for Kanaupali ports, at 5 p. m.
Gas. schr. Eclipse for Anahola, at 5 p. m.
Schr. Kawallani for Koolau ports at noon.
Stmr. Maui, Bennett, for Mahukona and Paauhau, at 5 p. m.

PASSENGERS.

Arrived.
Per stmr. W. G. Hall, from Nawiliwili, Kauai, Jan. 24.—L. F. Sterman, O. Sorenson, M. H. Bogan, W. L. Bowler, Mrs. J. L. Friel, Lee Shun, J. J. Dunne, F. Bertleman, Alice Hall Jones, H. R. Sinclair, J. H. Truman, G. P. Sturgeon, E. W. Russell, Miss J. Bomke, Mr. Miyamoto, Mrs. J. J. Dunne, N. Kuaki, Eva Dermine Lavin, Gertrude Bartlett Jones, H. G. Ramsey, N. Sekomoto, E. Tschumi, L. Russell, C. H. On, Mrs. Miyamoto, Mrs. S. Bertleman and 23 deck.
Per stmr. Claudine, from Kahului, Jan. 24.—Capt. T. K. Clarke, J. P. Bowler, Capt. Whitney, C. F. Lehner, A. G. Correa, H. Gorman, L. Y. Alana, F. H. Jordan, C. D. Lufkin, M.

CLAUDINE MIXES WITH THE DREDGER

The Wilber steamship Claudine and the channel dredger and its tender had a mix-up in the channel yesterday morning about 5:30 o'clock, which nearly resulted in disaster to the steamer. As it was, the tug Fearless had to tow the Claudine in, after the passengers and mail had been sent ashore in the steamer's boats.

The anchor, chain and other tackle of the mid-channel buoy now hangs from the propeller of the Claudine as she lies at her wharf. Divers will today determine the extent of the damage incurred by the Claudine.

Captain Parker of the Claudine attaches no blame to himself for the mishap, but rather charges it to the dredger people. At least, it was while Captain Parker was endeavoring to maneuver in the narrow quarters of the channel, partially blocked by the dredger, that he backed down upon the buoy and ripped it up. The whole trouble resulted from Captain Parker trying to avoid running down the tender of the dredger.

Captain Parker made the following statement of the mishap:

"I whistled four times, according to the requirements, that I was about to enter the channel. This signal is given to notify the dredger people in sufficient time so that they can remove whatever obstruction there may be in the channel, to permit vessels entering or leaving freedom to maneuver. It was then about 5:30 and quite dark. We went ahead slowly. When near the dredger, the tender signaled to put my wheel to starboard and pass to leeward of her. When that signal came I was almost upon the tender, which did not show up with lights from my position. She was at that time swinging around to go close to the dredger. I had no room for maneuvering, and to obey the signal was to run down the tender. I did what my instinct told me—to back, rather than crush the tender.

"When we backed the stern came full upon the mid-channel buoy. One blade of the propeller hit the buoy. I heard the sound perceptibly, and the jar was felt in the engine room. The engineer acted promptly almost at the same time that I telegraphed 'Stop.' The telegraph pointer retains the same position now that it did at that time, and it will be left in that position for reference. However, the chain wrapped around the blade as it revolved. The buoy anchor was jerked up and still hangs back of the rudder.

"We let go our anchor and I sent the passengers and mail ashore in the steamer's boats. Afterward I whistled for the Fearless and she took the Claudine in, first to the cattle wharf, where the cattle were landed, and then to our wharf.

"It is my opinion that the dredger fails to take into consideration that we used sea-room in the channel. The dredger and tender and piles take up two-thirds of the channel, leaving us about sixty feet free way. As the Claudine has thirty-two feet beam that leaves only fourteen feet to the clear on either side. It is not enough. I believe that the inter-island trade is of sufficient importance that we captains of the island boats should be given as much consideration as those with foreign vessels. The Argyl came in later and was given plenty of sea-room."

Among the Claudine's passengers were U. S. Inspectors of Hulls and Boilers Lehnert and Whitney, who were returning from an official inspection at Hilo and Kahului. It is believed that they entertain the same ideas, as to the cause of the accident, as Captain Parker.

Captains Lehnert and Whitney inspected the vessels at Hilo and then crossed to Makana on the Kinah. They went across Maui to Kahului, where the tug Leslie Baldwin was inspected. They will be at their office in the Stangenwald building today, ready to examine anyone who desires to go through the process, or those whom the law requires to appear before them.

AN EDITOR'S OPINION.—John S. Dawes, Esq., editor and proprietor Guardian and Star, Hokitika, New Zealand, said: "I have found Chamberlain's Cough Remedy a very valuable medicine, having received great benefit from its use when suffering from a cold, and as a preventive for croup in children its excellent properties have been testified in my family." For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

Per stmr. S. Mauna Loa, Jan. 22, from Kau: George H. Robertson, E. Koons, G. I. Grant, A. S. Arrowsmith, C. Dunkhake, W. B. Milne, S. Tanaka. From Kona: M. F. Scott, John D. Paris, S. K. Nawas and wife, Rev. W. H. du Moulin, Misses Ackerman, Chung Lai, Wong Tai Chong. From Maui ports: A. Enos, Sr., B. Clarke, A. Enos, Jr., Rev. W. Ault, Rev. John Kallins, Rev. A. B. Weymouth, M. A. Tavares, J. D. Thompson, J. R. Bergstrom, and 54 deck.

DEPARTED.

Friday, Jan. 22.
S. S. Ropetana for San Francisco.
S. S. Coptic, Armstrong, for the Orient.
Br. ship Netherby, Nelson, for Seattle, at noon.
Saturday, Jan. 23.
Am. bk. Olympic, Evans, for Kaunapali, at 9 a. m.
R. S. Coptic, Finch, for San Francisco, at 5 p. m.
Am. bk. Alden Bease, Kiessel, for San Francisco, at noon.
Stmr. Helene, Nicholson, for Kawaihae, Mahukona, Kukaian, Ookaia, Laupahoehoe, and Paepaia at 4 p. m.

VIRGIN SOIL IS CLEARED

Five Companies
of Maui Doing
Things.

MAUI, Jan. 25.—Monday evening, the 18th, Charles D. Loveland died most suddenly of heart disease at his residence in Hamakua. Though he had previously been troubled at times with his heart, his last illness was but of a few minutes' duration.

He was 68 years of age at the time of his death and was born in New Haven, Conn., where for many years he pursued his trade of contractor and builder. About fourteen years ago he came to the Islands to become plantation carpenter at Hamakua for the Haku Sugar Co., which position he resigned several years ago.

Mr. Loveland was a man of portly presence and most genial manner; a man whose happy disposition made him most popular with his friends and neighbors, for he always added life to all occasions of a social nature. He will be much missed by the Hamakua community. He leaves a wife and a niece, Mrs. D. C. Lindsay of Paia. The funeral services during the afternoon of the 19th were largely attended and were conducted both at the Hamakua residence and at the cemetery in Makawao by Rev. Dr. E. G. Beckwith of the Paia Foreign Church. The pall-bearers were Messrs. D. D. Baldwin, S. E. Taylor, F. E. Atwater, H. A. Baldwin, J. J. Hair, W. O. Alken, R. F. Engle and C. E. Haynes.

KEOLA-ALANA.

Sunday morning, the 17th, the marriage of Mrs. Ita Alana of Makawao to Mr. James N. S. Keola, tax assessor of Wailuku, took place at the residence of Hon. L. E. Kalama of Makawao, Rev. John Kallins of Paia performing the ceremony. The bride is a very attractive lady and the bridegroom is one of the most popular of Wailuku's citizens. The wedding was a quiet one, no invitations being issued.

THE FIVE COMPANIES.

Work on the lands of the five new companies (Makawao, Kailua, Kailua, Pulehu and Waiakoa) has already been begun. At least 500 acres have been cleared of lantana and more than a hundred acres ploughed.

The 100 acres of cane planted last year are growing finely, the stalks resembling those of young corn. The land of the 5000 acres recently purchased from Kihai by the five corporations is all virgin soil and when irrigated by the water from the mountain streams of Nahiku and Keanae will yield the finest of cane.

STRAY NOTES.

Herman Focke of F. A. Schaefer & Co. was at Huelo this week viewing the cane of the Maui Sugar Co., which he pronounced to be in a most thriving condition. Mr. Focke returns to Honolulu by today's steamer.

Thursday, the 21st, the steamer Hawaiian arrived at Kahului from Honolulu. Misses Belle Dickey and Elsie Wilcox came by the packet and are now the guests of Miss Edith Alexander of Paia.

Tax-assessor Geo. Dunn of Lahaina received the wireless message sent to that town concerning the verdict of the Supreme Court in setting aside the county bill. Lahaina people when informed by him of the news thought it a hoax—one of George's jokes.

Mr. and Mrs. J. P. Cooke of Honolulu are now occupying "Kulamann"—their new residence in Kula but recently completed.

Attorney A. G. Correa of Honolulu has been spending several days in Makawao during the week.

George Copp of Waiakoa is mentioned as a successor to W. O. Alken as deputy tax-assessor of Makawao.

R. T. Wilbur of Nahiku is visiting his son at Kalaupai.

Island government is running smoothly under the old regime.

At the stockholders' meeting of the Maui Telephone Co. held on the 12th at Paia plantation office, all the old officers were re-elected except that C. D. Lufkin was chosen trustee in place of W. G. Ogg, removed to Paia.

One has only to visit the waterfront to learn that a large amount of money is being buried in the waters of the harbor every day now. Numerous piles, valued at more than a hundred dollars each are driven into the bottom. The new wharf system, when completed, will have cost a pile of money but it will be a much better one than the average shipping man entering this port expects to find.

All the piles used here are shipped from Puget Sound. The original timber is worth considerable money but to this is added some cost before it can be of use in supporting a wharf. In the first place freight must be paid from the mainland. Then a force of men is engaged for sometime in nailing copper sheathing on the piles. About thirty-five sheets of copper is used on each pile and each sheet is worth about one dollar, so that a considerable item in expense is added to a wharf in this way. Then the piles have to be driven, sawed off, and lined up before the wharf timbers are laid down.

But the wharves so made should stand a long time. For twenty-five years these wharves should remain in such condition that they need not be repaired unless injured by a steamer colliding with them.

COMMERCIAL NEWS

There has been a decided weakening of the stock market, following upon several declines at the opening of the year. The drop in some of the quotations has been far. The reason for much of the declination is traced to a disposition on the part of the brokers to bring prices down, but no more than they are absolutely obliged to satisfy their customers. The idea among them has been for some time to keep the stocks up, although ample opportunity was presented to buy and offer stocks at lower prices than the quotations on the board.

This phase of the stock market has been thoroughly discussed among the brokers and they agreed the best plan was to offer the stocks for pretty near what prospective buyers were willing to pay for them.

The brokers have had it within their power for several months to "knock the spots" out of stocks had they been so inclined, but every broker has the interest of the stock market at heart, every one being personally more or less interested in the stocks, and they made the effort to keep the stocks up. There has been no exception among the stock handlers, and they have practically been a unit in looking at the larger interests of the community.

The lowering of stock board quotations is practically a remodeling of the figures. As an instance of this a certain plantation stock was on the stock market list at say 50. At the same time, between boards, a broker was offered the stock at five points less. The remodeling of the lists has brought that plantation stock down to the figure at which it was offered.

All stocks, mercantile and plantation, have been following the same trend.

RAPID TRANSIT BONDS SOUGHT.

There has been quite a little advance, however, in Rapid Transit bonds in San Francisco. The quotation has been hovering about 104 and 105, and the latest advice from the coast, were that a bid of 106 had been made, with no offers. It is to be remembered that stocks quoted in San Francisco include the interest, while quotations in Hawaii are for the stock flat.

A local firm of brokers endeavored to effect a \$45,000 deal at 105 7-8 but the price was too high to do anything at that figure here. There is also some little demand among island investors for Rapid Transit bonds.

STAR BLOCK CORNER UNDER HAMMER.

The premises at the corner of Kukui and Fort streets, makai side, were sold at public auction yesterday by J. F. Morgan to C. K. Ai and Lee Chu for \$9,700. The property which is covered by a two-story frame structure, practically a portion of the Star Block, was under mortgage to C. Bosse, the mortgagors being Lee Chu, C. K. Ai, W. W. Ahana and Pang Chong. The property contains an area of 19,490 square feet. The bidding was not spirited, although the auction room was filled with representatives of the big realty and trust companies. Lee Chu started the bidding at \$9,000.

FORECLOSURE PROCEEDINGS SETTLED WITHOUT AUCTION.

The valuable property offered at public auction by Morgan under foreclosure proceedings by P. C. Jones, the Hawaii Land Co., being the mortgagor, including property on Maunakea street, was withdrawn from sale yesterday by the auctioneer, the matter having been settled between the parties at interest.

THE EXPERIENCE AN EYE-OPENER

The Maui News, in its news columns, reviews the brief experiment of county government on Maui. From the following extracts, the conclusions of the Wailuku oracle are obvious:

"From the inception of this paper, its editor, who was born and raised under successful county government, has looked forward to the time when each of the Islands would have county government, and when the Polynesian race of Hawaii would demonstrate to the world that American institutions and American forms of local self-government would bear transplanting to alien soils."

The events of the past few weeks, however, have sadly shattered these dreams, and a very unwholesome reality has been presented, from which the people of Maui have fortunately been rescued by the recent decision of the Supreme Court. Prior to the meetings of the political conventions last fall, the News strongly urged a coalition of the best elements on Maui, irrespective of race or political creed, in order that capable men might be secured for county officers. This advice was disregarded, and as a natural result the ignorant vote swept Maui, and a straight slate of "home rulers" was elected.

In its editorial columns the News has the following separated articles:

"The News in a lengthy head article this week frankly discuss the problem of county government on Maui, and is forced to the conclusion that such a government on Maui at the present time and under the present conditions would inevitably have resulted in disaster both to the governing powers and to those governed. If we were homogeneous instead of being heterogeneous, if our interests, aims and point of view were the same, the result might have been different. But the fact that voting majority of Maui is composed largely of an ignorant element, who do not understand what is best for themselves and for all the rest of us, has proved a stumbling block. County government must and will come sometime, but our recent experience should teach us to go slowly and cautiously in the matter. It will require unusual skill and wisdom to frame a county law which will stand the test of the Supreme Court on one hand and properly serve the interests of the people, on the other. But underlying this, an educative process is needed which will teach the people themselves to weed out the Hihios, the Kahuilelos, the Kaimakaoles and the Kahookoles of Maui politics, and select capable men for office."

"After all, perhaps the wisest course would be to apply to congress to pass a county bill which would not be in conflict with the organic act, and which would at the same time conserve the best interests of the people. The lesson which we have learned by our recent experience on Maui should teach us, however, no matter how good a county bill we have, it will be quite as important that we lay aside our political prejudices and unite in the selection of the best men for office."

Broke Up Furniture.

Kanamu, a native, went to visit his brother's wife yesterday, during the absence of the husband. As he was drunk the wife objected to the presence of Kanamu. Kanamu grew wrathful, threatened to burn the house, and then proceeded to break up the furniture. Officer Akau stopped his amusement and escorted him to the Police Station.

Former Friel Married.

James L. Friel, the popular purser of the Inter-Island steamer W. G. Hall, was married last Wednesday evening on Kauai to a popular young lady of the Garden Isle. The bride accompanied her husband to Honolulu on the W. G. Hall, which arrived yesterday.

BY AUTHORITY.

MORTGAGEE'S NOTICE OF INTENTION OF FORECLOSURE AND OF SALE.

Notice is hereby given that, pursuant to the power of sale contained in that certain mortgage dated May 31, A. D. 1899, made by Elizabeth K. Smith, wife of George W. Smith, of Honolulu, Island of Oahu, Territory of Hawaii, Mortgagee, to Mary J. Alexander, Mortgagee, and recorded in the Register Office, Oahu, in Liber 186, pages 40-43, the Mortgagee intends to foreclose said mortgage for condition broken, to-wit: the non-payment of principal and interest when due.

Notice is likewise given that the property conveyed by the said mortgage will be sold at public auction at the auction rooms of James F. Morgan, Kaahumanu street, Honolulu, on Saturday, the 6th day of February, 1904, at 12 o'clock noon. The property covered by said mortgage consists of:

First. All that certain piece or parcel of land situate at Pauwela, Hamakua, District of Makawao, Island of Maui, Hawaiian Islands, containing an area of 46 acres, 2 chains and 66 fathoms (more or less), and being the same premises described in Royal Patent No. 144 to Paale and conveyed to the mortgagor by Kia Brooks and George Brooks, her husband, by deed dated November 23, A. D. 1895, and recorded in the office of the Registrar of Conveyances in Honolulu in Liber 153, pages 366 and 367.

Second. All that piece or parcel of land situate at Kamaole, Kula, Island of Maui aforesaid, containing an area of 5 acres (more or less), and being the premises described in Royal Patent (Grant) 832 to Philip; also all those pieces or parcels of land situate at Hamakua, said Island of Maui, and being parts 1, 5 and 6 of Royal Patent 2184; Land Commission Award Nos. 3823 and 6613 to Paale; Part 1 containing an area of 36-100 of an acre; Part 5 containing an area of 5-100 of an acre, and Part 6 containing an area of 3 24-100 acres; said premises described in Paragraph Second being the same premises conveyed to said Elizabeth K. Smith by deed of Kia Brooks and husband, dated July 29, 1896, and recorded in the Register Office, Oahu, in Liber 154, pages 131 and 132.

Third. All and singular that parcel of land situate at Kaula, said Island of Honolulu, bounded and described as follows:

Beginning at the east corner of this land, being the west corner of Makai Lane and Kuakini street, and running:

N. 41 deg. 20 min. W. 101 feet along Kuakini street;

S. 53 deg. 00 min. W. 110 feet;

N. 41 deg. 00 min. E. 118 1/2 feet along Lot 2;

N. 44 deg. 20 min. E. 110 feet along Makai Lane to the initial point; containing an area of 12,958 square feet (more or less).

And being the same premises conveyed to said Elizabeth K. Smith by deed of Jesse P. Makainal, dated June 1, 1899, and recorded in the Register Office, Oahu, in Liber 238, pages 214-216.

Together with all the rights, easements, privileges and appurtenances thereto belonging.

There is a comfortable cottage upon this last mentioned house-lot on Kuakini street between the residence of Mr. P. C. Jones and Liliha street, and the premises together afford a very desirable opportunity for investment.

Terms: Cash United States Gold Coin. Deeds at the expense of purchaser.

For further particulars apply to W. O. Smith, Judd Building, Honolulu. Dated Honolulu, January 6, 1904. MARY J. ALEXANDER, Mortgagee.

By her Attorney-in-fact, W. O. Smith.

IN AMERICA Chamberlain's Cough Remedy is a great favorite with the mothers of small children for colds, croup and whooping cough. It contains no harmful substance and always gives prompt relief. Sold by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

NIGHT AT SEA IN A LAUNCH

Durrant, the launch man, and a friend of his, had a very exciting and dangerous experience off Honolulu on Sunday. Durrant took his friend out in a launch on Sunday for a short pleasure sail. They proceeded to sea and made a run down towards Waikiki. When off Waikiki a part of the machinery of the launch broke down and the small vessel became unmanageable.

The wind blew the craft nearly to Pearl Harbor and at one time it was nearly fifteen miles from shore. During the entire day and night the two men had nothing to eat and were being buffeted about by the waves. They drifted all night and early yesterday morning managed to get enough sail on so that the launch was brought up to the shore. They drifted in on the beach near Sans Souci at about 9 o'clock Monday morning and the launch was in a bad position. A telephone message was sent in to George Paris and he hurried to the scene in the launch "Fairbanks." He put a kedge anchor out and managed to pull the stranded launch into deep water and towed it to Honolulu. Durrant is not anxious for a repetition of the experience.

MARINERS WILL BE NOTIFIED

Acting on instruction from Governor Carter received yesterday Land Commissioner Pratt will publish a By Authority notice to mariners concerning the new channel and loch markings at Pearl Harbor. In a wireless dispatch received yesterday from the Governor Mr. Pratt is requested to obtain the form of the advertisement from the Attorney-General.

Hul of Stowaways.

Ten men, some sailors and some landmen who were anxious to travel from Honolulu to San Francisco and at no great expense, arranged with an offer on the steamer Rosecrans to stow them away on that vessel. The party, carrying their baggage, met the other up town, and after midnight started towards the vessel, which was then moored at the railway wharf. A couple of captains happened to see the little procession and scenting rascality followed the sailors to the wharf and were in time to stop the stowaways from finding hiding places aboard.

Both Steamers for New York.

The steamer Pennsylvania, Captain Boggs, arrived from Kaunapali yesterday afternoon. At that port the vessel had loaded 2900 tons of sugar and came to Honolulu to clear for New York.

Captain Boggs is well known here. He made six trips by way of this port to Manila as commander of the transport Ohio during 1898.

The Pennsylvania belongs to the same firm as the steamer Conemaugh, which is just finishing loading here. Both vessels leave in a couple of days for the same destination and will probably sail pretty close together all the way to New York. They are only medium sized carriers for the round the Horn sugar trade and will call at Coronel and St. Lucia to coal. It is understood that the vessels will remain on the Atlantic coast in future.

Shipping Notes.

A boat from the steamer Maui was smashed in the breakers at Laupahoehoe on Jan. 19th.

The Pacific Mail steamship City of Peking is now running in the coffee trade between Central American ports.

A Japanese, who was working under a flywheel on board the Claudine at Kahului last week, had his legs crushed. He was taken to the Puunene Hospital, where both legs were amputated.

ARRIVED.

Friday, Jan. 22.
Stmr. Maui, from Hawaii and Maui ports. Cargo: 650 bags of Paauhau sugar and 83 head of cattle from Kiholo.
Stmr. Mauna Loa, Simerson, from Maui, Kona and Kau ports. Cargo: 2500 bags H. A. Co. sugar, 24 head cattle, 904 bags coffee, 23 bags awa, 233 bags taro, 30 boxes fruit, 146 bunches bananas, 20 boxes fish, 405 packages sundries.
Am. schr. Robert R. Hind, from Puget Sound, with lumber.

Saturday, Jan. 23.
Stmr. Ke Au Hou, Tullett, from Kiholoa, 5:15 p. m., with 255 bags sugar for W. G. Irwin & Co., 230 bags rice, 17 pkgs. sundries.
Stmr. Nihau, B. Thompson, from Kiholo, at 3:16 p. m., with 4500 bags sugar for Davies & Co., 2200 bags for Hackfeld & Co.

Sunday, Jan. 24.
Stmr. W. G. Hall, Thompson, from Nawiliwili, at 6:25 a. m., with 5999 bags sugar for Hackfeld & Co., 29 hides, 44 pkgs. sundries.
Stmr. Claudine, Parker, from Kahului, at 5 a. m.
S. S. Argyl, Gilboy, from San Francisco, with oil for Union Oil Co., at 5 a. m.